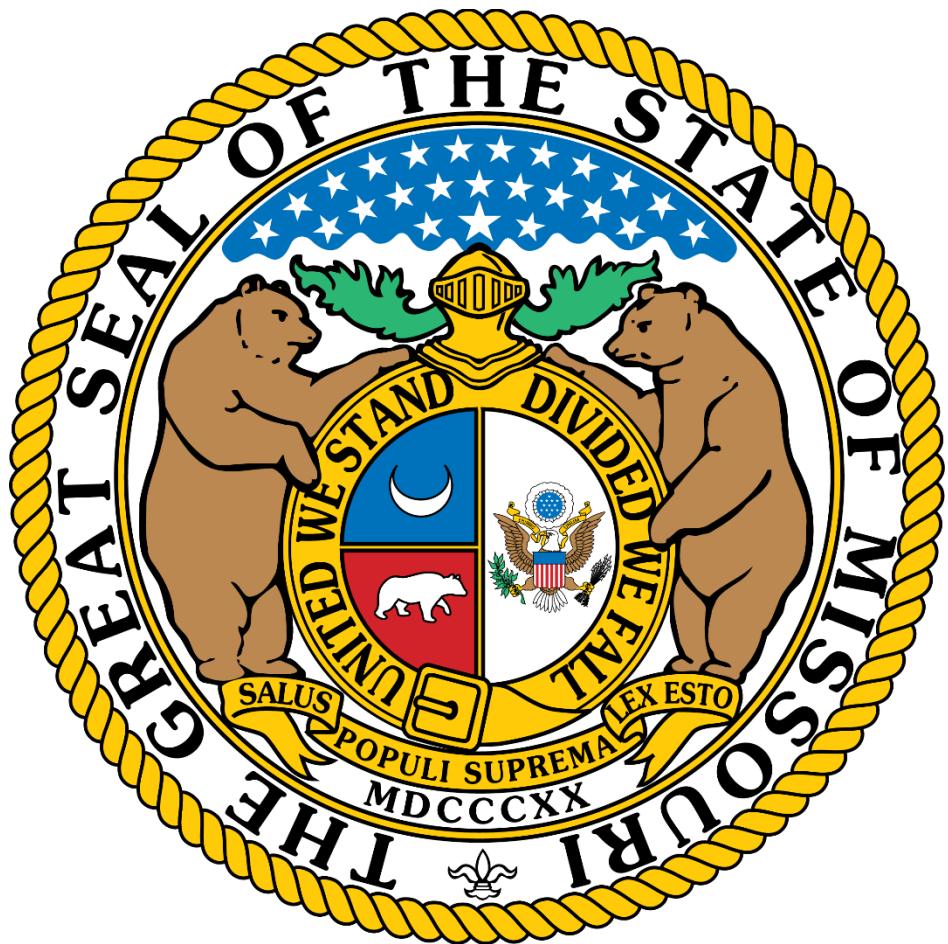


State of Missouri

Nondiscrimination Plan



In Compliance with the
Workforce Innovation and Opportunity Act (WIOA) 2014
Concerning Nondiscrimination and Equal Opportunity

January 3, 2023



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Section I: Assurances 29 CFR 38.25 - 38.27

Purpose

This Section of the Missouri Nondiscrimination Plan contains the Assurances that the Missouri Department of Higher Education and Workforce Development's (DHEWD/OWD) and the Department of Labor and Industrial, Relations, Division of Employment Security's (DOLIR/DES) has the ability to comply with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA and 29 CFR 38. Missouri will remain in compliance for the duration of the award of WIOA Title I funding.

Assurances Requirements

29 CFR 38.25 requires all grant applicants and recipients of WIOA funds to include written assurances in job training plans, contracts, assurances, and other similar agreements to ensure that they are both nondiscriminatory and contain the required language regarding the nondiscrimination and equal opportunity provisions under Section 188 of WIOA. The written assurance must include the following language:

As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of federal financial assistance:

(A) Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity;

(B) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;

(C) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

(D) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and

(E) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

(ii) The grant applicant also assures that, as a recipient of WIOA Title I financial assistance, it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance



applies to the grant applicant's operation of the WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

State and Local Strategic Plans

According to 29 CFR 38.54, the State of Missouri's Combined Strategic Plan must provide the text of the assurance as a condition to the approval of the Four-Year Plan and the extension of any WIOA Title I assistance¹. Missouri updates its Nondiscrimination Plan every two (2) years or when major changes occur. The Governor approves Missouri's Nondiscrimination Plan to ensure the requirements under 29 CFR 38.54 are met.

OWD reviews and approve the Regional Workforce Area Plans and Local Workforce Development Area (LWDA) Plans every two (2) years or as needed to modify. The Local Workforce Development Area Plans mirror Missouri's commitment to provide equal access and opportunities to all customers of Missouri. The Local Workforce Development Boards (LWDBs) are required to review its local plan annually and submit any revisions to OWD according to [OWD 15-2021 Issuance: Local Plan and Regional Plan Modification](#).

Physical (Architectural) and Programmatic Accessibility

29 CFR 38.13 requires all WIOA recipients to maintain accessible physical locations as well as be programmatically accessible, including providing reasonable accommodations² for individuals with disabilities. This includes accommodating participants, applicants of employment, employees and the public. All Missouri Job Centers must follow the ADA Standards for Accessible Design or the Uniform Federal Accessibility Standards according to 29 CFR 38.13(a) and 38.25(C).

If Missouri Job Centers or other WIOA recipient's site/facility is located in a service delivery area without a transportation system, the LWDBs should take steps to make all programs and activities available to customers who do not drive or have a car. These steps may include providing information about alternative transportation options and resources or offering programs and activities in satellite locations such as shopping malls, libraries, providing virtual services or other public facilities that are accessible by public transportation.

On a three-year (3) cycle, OWD and LWDBs will conduct an onsite review of Missouri Job Centers to ensure ADA compliance and access to services for individuals with disabilities. Prior to any new site/facility, OWD will conduct an onsite assessment to ensure the facility is in compliance with Section 188 of WIOA, 29 CFR 38.51(b)(3) and the Missouri Nondiscrimination Plan. Additionally, the LWDBs will utilize the ADA assessment Tool³ to monitor sites/facilities for compliance according to [OWD Issuance 06-2022-: Missouri Comprehensive Job Center and Affiliate Job Center Certification Evaluation and Criteria](#).

¹ [29 CFR 38.25\(2\)\(b\)](#)

² [29 CFR 38.14](#)

³ [ADA Assessment Tool](#)



Service Providers

Service Providers, Eligible Training Providers, On-the-Job Training (OJT) providers and other WIOA recipients must comply with the accessibility polices and standards in the Missouri's Nondiscrimination Plan according to 29 CFR 38.3(b), 38.13 and 38.25.

Job Training Plans and Contracts

OWD will monitor job training plans, contracts and any similar agreements to ensure any WIOA recipient's contracts contain the required assurance language according to 29 CFR 38.25.

Duration and Scope of the Assurance under WIOA

According to 29 CFR 38.26(a), WIOA Title I financial assistance is intended to provide, or is in the form of, either personal property, real property, structures on real property, or interest in any such property or structures, the assurance will obligate the recipient, or (in the case of a subsequent transfer) the transferee, for the longer of:

- (1) The period during which the property is used either:
 - (i) For a purpose for which WIOA Title I financial assistance is extended; or
 - (ii) For another purpose involving the provision of similar services or benefits; or
- (2) The period during which either:
 - (i) The recipient retains ownership or possession of the property; or
 - (ii) The transferee retains ownership or possession of the property without compensating the Departmental grant-making agency for the fair market value of that ownership or possession.

(b) In all other cases, the Assurance will obligate the recipient for the duration of the grant⁴.

OWD's Enforcement Obligations under WIOA

Under 29 CFR 38.52(a), OWD and its recipient are jointly and severally liable for all violations of the nondiscrimination and equal opportunity provisions of WIOA unless the Governor has:

- (1) Established and implemented a Nondiscrimination Plan, under §38.54, which is designed to give a reasonable guarantee of the recipient's compliance with Section 188 of WIOA;
- (2) Entered into a written contract with the recipient that clearly establishes the recipient's obligations regarding nondiscrimination and equal opportunity;
- (3) Acted with due diligence to monitor the recipient's compliance with Section 188 of WIOA; and
- (4) Take prompt and appropriate corrective action to effect compliance.

If the U.S. DOL, Civil Rights Center Director determines that the Governor demonstrates substantial compliance with the requirements of 29 CFR 38.52(a), the Director may recommend the Secretary impose

⁴ [29 CFR 38.26](#)



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sanctions against the Governor be waived and that sanctions be imposed only against the noncomplying recipient⁵.

The LWDBs sign annual contracts agreements with OWD according to [OWD Issuance 01-2022: WIOA Expenditure Policy](#). This requires the LWDBs to comply with all implementing WIOA regulations. If a LWDB does not comply with any of its WIOA obligations, OWD may issue a Notification of Breach of Contract. – If the LWDB does not cure the breach and achieve legal compliance, the Missouri Attorney General's Office has the right to use legal remedies to correct non-compliance when there is a breach of contract according to Element VII [Corrective Action and Sanction section of the Missouri Nondiscrimination Plan and OWD Issuance 07-2021 Nondiscrimination and Equal Opportunity Corrective Action/Sanction Policy](#). The remedies may include a corrective action, technical assistance, conciliation agreement, sanctions or discontinuation of WIOA funds according to the OWD 07-2021 Issuance.

Other Obligations under WIOA for Recipients

In addition to compliance with Section 188 of WIOA and the Missouri's Nondiscrimination Plan, all WIOA LWDBs and recipients must also follow all relevant federal regulations, statutes and executive orders including the following:

Federal Regulations

[Title 29 CFR Part 31](#) – Nondiscrimination in Federally-assisted programs of the Department of Labor, effectuation of Title VI of the Civil Rights Act of 1964

[Title 29 CFR Part 32](#) – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Assistance

[Title 29 CFR Part 33](#) – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Labor

[Title 29 CFR Part 35](#) – Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from the Department of Labor; Final Rule.

Executive Order 11246, as amended;

[Title 29 CFR Part 38](#) – Implementation of the Nondiscrimination and Equal Opportunity provisions of the Workforce Innovation and Opportunity Act. Published in the Federal Register on December 2, 2016. [81 FR 87211](#)

Executive Orders

[Executive Order 13166](#) – Improving Access to Services for Persons with Limited English Proficiency

[Executive Order 13160](#) – Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs

Statutes

[Executive Order 11246](#), as amended;

⁵ [29 CFR 38.52\(b\)](#)



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Section 503 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 793);

The affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212);

The Equal Pay Act of 1963, as amended (29 U.S.C. 206d);

Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e *et seq.*);

Age Discrimination Act of 1975, as amended;

Title IX of the Education Amendments of 1972, as amended

The Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101 *et seq.*);

The anti-discrimination provision of the Immigration and Nationality Act, as amended (8 U.S.C. 1324b);

And any other Federal civil rights law.

DOLIR Obligations to WIOA Section 188

DOLIR grants do not permit sub-recipients. DOLIR ensures that these grants are nondiscriminatory and contain required assurance by exclusively using grant agreement documents required and prepared by the Education and Training Administration of USDOL. DOLIR enters into numerous contracts to carry out the State Unemployment Insurance programs. In addition to applicable Federal requirements, State law and regulation require these contracts to be nondiscriminatory and to contain required assurances regarding nondiscrimination and equal opportunity. This required standardized language also serves as a policy directive and guideline used by the Department to ensure that the required assurances are included in all pertinent documents.

DOLIR also has comprehensive Equal Employment Opportunity policies that prohibit unlawful discrimination and harassment.

Supporting Documentation

1. [OWD Financial Manual May 2021](#)
2. [Local Workforce Development Board Areas Plans](#)
3. [WIOA State Plan for the State of Missouri PY22-23\(Modification\)](#)
4. [DWD 33-2017 Issuance: Harassment, Discrimination, and Retaliation Policy; Accommodation Policy](#)
5. [OWD 03-2020 Issuance: On-the-Job Training Policy](#)
6. [OWD 22-2019 Issuance: Eligible Training Provider Policy](#)
7. [OWD 12-2017 Issuance: Minimum Standards for Assistive Technologies in Missouri Job Centers Policy](#)
8. [OWD 07-2021 Issuance: Nondiscrimination and Equal Opportunity Corrective Action and Sanction Policy](#)
9. [DOLIR Equal Employment Opportunity Policy \(B07-22000\)](#)
10. [OWD 06-2022 Issuance: Missouri Comprehensive Job Center and Affiliate Job Center Certification Evaluation and Criteria](#)
11. [OWD 01-2022 Issuance: WIOA Expenditure Policy](#)
12. [OWD 15-2021 Issuance: Local Plan and Regional Plan Modification](#)



Section II: Designation of State and Local Level Equal Opportunity (EO) Officers 29 CFR 38.28 - 38.33

Purpose

The Governor of Missouri designated the Department of Higher Education and Workforce Development, Office of Workforce Development (DHEWD/OWD) to administer the implementation of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act 2014 (WIOA), as they relate to workforce development activities. The Director of the Office of Workforce Development has the ultimate responsibility for administration of the workforce development components of the WIOA Nondiscrimination and the Equal Opportunity program in the state. On behalf of the Governor, to ensure the Local Workforce Development Boards (LWDBs) and all sub-recipients, comply with all federal regulations, OWD is responsible for monitoring LWDBs for nondiscrimination and equal opportunity compliance under Section 188 of WIOA, 29 CFR 38 and the Missouri Nondiscrimination Plan. Serving in an associated role, the Department of Labor and Industrial Relations (DOLIR), Division of Employment Security (DES), is the agency that administers unemployment insurance.

Designations of Equal Opportunity Officers

29 CFR 38.28(a) and (b) requires Missouri to designate a State Equal Opportunity (EO) Officer and a Local EO Officer for each of the fourteen (14) Local Workforce Development Boards (LWDBs). Danielle L. Smith is Missouri's State EO Officer. The list of LWDB's EO Officers and their contact information is located at jobs.mo.gov.

State EO Officer's Contact Information:

Danielle Smith, State WIOA EO Officer
Missouri Department of Higher Education
Office of Workforce Development
P.O. Box 1087
Jefferson City, Missouri 65102
573-751-2428 (Voice) | 573-751-4088 (Fax) | 800-735-2966 or 711 (Relay Missouri)
E-mail: danielle.smith@dhewd.mo.gov
www.jobs.mo.gov

Designating a Local Equal Opportunity Officer

Every new EO Officer must submit contact information (email and mailing address, work phone and fax numbers). [OWD Issuance 05-2021: Designation of Local Equal Opportunity \(EO\) Officers](#). Send notice within 48 hours of the change in status. Contact for both new hire and interim EO Officers. Send updated information to OWD Equal Opportunity Unit, Attention: Danielle Smith, State EO Officer, email: danielle.smith@dhewd.mo.gov, or by mail at P.O. BOX 1087, Jefferson City, Missouri 65101. LWDBs have a continuing obligation to notify the State EO Officer of any changes to the Local EO Officer's contact information or position description.

Equal Opportunity Officer Obligations

According to 29 CFR 38.29, the State and LWDBs must have the following obligations related to their EO Officers:



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- Ensuring that the EO Officer is a senior-level employee reporting directly to the individual in the highest-level position of authority for the entity that is the recipient, such as the Governor, the Administrator of the State Department of Employment Services, the Chair of the Local Workforce Development Board, the Chief Executive Officer, the Chief Operating Officer, or an equivalent official;
- Designating an individual who can fulfill the responsibilities of an EO Officer as described in 29 CFR 38.31;
- Making the EO Officer's name, position title, address, and telephone number (voice and TDD/TTY) public;
- Ensuring that the EO Officer's identity and contact information appear on all internal and external communications about the recipient's nondiscrimination and equal opportunity programs;
- Assigning sufficient authority, staff, and resources to the EO Officer, and support of top management, to ensure compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part; and
- Ensuring that the EO Officer and the EO Officer's staff have the opportunity to receive (at the recipient's expense) the training necessary and appropriate to maintain competency.

29 CFR 38.30 requires all WIOA EO Officers to be a senior level employee of the recipient who has the knowledge, skills and abilities necessary to fulfill the responsibilities competently. Depending upon the size of the recipient, the size of the recipient's WIOA Title I-financially assisted programs or activities, and the number of applicants, registrants, and participants served by the recipient, the EO Officer may, or may not, be assigned other duties. However, the EO Officer must not have other responsibilities or activities that create a conflict or the appearance of a conflict with the responsibilities of an EO Officer. In Missouri, the State EO Officer reports directly to the Director of the Office of Workforce Development Director within the Missouri Department of Higher Education and Workforce Development regarding all matters related to equal opportunity and nondiscrimination.

Under 29 CFR 38.31 the responsibilities of the State EO Officer include, but are not limited to:

- Serving as a recipient's liaison with CRC;
- Monitoring and investigating the recipient's activities, and the activities of the entities that receive WIOA Title I-financial assistance from the recipient, to make sure that the recipient and its subrecipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I and this part, which includes monitoring the collection of data required in this part to ensure compliance with the nondiscrimination and equal opportunity requirements of WIOA and;
- Reviewing the recipient's written policies to make sure that those policies are nondiscriminatory;
- Developing and publishing the recipient's procedures for processing discrimination complaints under §§ 38.72 through 38.73, including tracking the discrimination complaints filed against the recipient, developing procedures for investigating and resolving discrimination complaints filed against the recipient, making sure that those procedures are followed, and making available to the public, in appropriate languages and formats, the procedures for filing a complaint;
- Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with §38.40 and how an individual may file a complaint consistent with §38.69;
- Undergoing training (at the recipient's expense) to maintain competency of the EO Officer and staff, as required by the Director; and



- If applicable, overseeing the development and implementation of the recipient's Nondiscrimination Plan under §38.54.

Small Recipients Equal Opportunity Officer Obligation

A small recipient serves 15 or fewer beneficiaries during the entire grant year and employs fewer than 15 employees on any given day during the grant year according to 38.4(hhh). According to 29 CFR 38.32, small recipients do not need to designate EO Officers who have the full range of responsibilities listed in 29 CFR 38.31, they must designate an individual who will be responsible for adopting and publishing complaint procedures, and processing complaints, as explained in 29 CFR 38.72 through 38.75.

Service Provider Equal Opportunity

According to 29 CFR 38.4(ggg), service providers are:

- (1) any operator of, or provider of aid, benefits, services, or training to:(i) any program or activity that receives WIOA Title I financial assistance from or through any State or LWDA grant recipient; or (ii) any participant through that participant's Individual Training Account (ITA);
- (2) any entity that is selected and/or certified as an eligible provider of training services to participants. Service providers are not required to designate an EO Officer according to 29 CFR 38.33. OWD and LWDBs are obligated to ensure service provider comply with Section 188 of WIOA and the Missouri Nondiscrimination Plan

In Missouri, the Local EO Officers are responsible for the following:

- Serving as the recipient's liaison with the State EO Officer;
- Developing and publishing the recipient's procedures for processing discrimination complaints and making sure those procedures are followed;
- Reporting to the appropriate official about equal opportunity matters;
- Ensuring that the roles and duties of the Local EO Officers receive top priority to accomplish all of his/her responsibilities under WIOA Section 188 and 29 CFR 38.
- Undergoing training to maintain competency,
- Monitoring and investigating the recipient's activities, and the activities of the entities that receive WIOA Title I financial assistance from the recipient, to make sure that the recipient and its sub-recipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I and 29 CFR Part 38
- Reviewing written policies to ensure they are nondiscriminatory; and
- Coordinating all local level, WIOA EO activities, thus ensuring compliance, implementation, and enforcement of the nondiscrimination and equal opportunity provisions of WIOA.

State EO Officer's Support and Training

State agencies and staff provide support and technical assistance through statistical data analysis of programs, services and employment activities. The State EO Officer provides Local EO Officers with nondiscrimination and equal opportunity support and technical assistance by identifying and meeting training needs. The State EO Officer also provides monthly trainings. These efforts help ensure that all local service delivery staff members, including sub-recipient staff, maintain a clear understanding of nondiscrimination and equal opportunity requirements. The state-level EO Officer receives 15% of the Governor's discretionary funds.



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Every two (2) years the State EO Officer conducts a mandatory training on the Missouri Nondiscrimination Plan for the Department of Higher Education and Workforce Development, Office of Workforce Development senior staff, Workforce Board Directors, Local EO Officers and any local Management staff operating programs, services and activities in the job centers.

Local EO Officers are responsible for training staff once a month on EO related topics within their service area. The goal of monthly trainings is to educate staff on the nondiscrimination and equal opportunity provisions of Section 188 of WIOA and other federal law. Such training ensures fair and equal treatment throughout the Missouri Job Centers.

Designation of Agency EO Officer

An EO Officer is also on staff at Missouri's Department of Labor and Industrial Relations (DOLIR). DOLIR's EO Officer is responsible for coordinating, implementing, maintaining, and monitoring the nondiscrimination and EO requirements under the U.S. Department of Labor's (USDOL) federal regulations, 29 CFR Part 38, relative to services provided by DOLIR. The DOLIR EO Officer is located in the Human Resource Section and meets regularly with DOLIR's Human Resources Director, regarding all related EO matters, complaints, and investigations.

The contact information for DOLIR's EO Officer is:

Sara Seaver
Equal Opportunity Officer
Missouri Department of Labor and Industrial Relations
421 East Dunklin Street
Jefferson City, Missouri 65102
(573) 751-1339
Sara.Seaver@labor.mo.gov

Supporting Documentation

1. [OWD Equal Opportunity Website](#)
2. [OWD Local EO Officers/Local Workforce Development Board Directors](#)
3. [Missouri EO is the Law Poster](#)
4. [OWD Issuance 05-2021: Designation of Local Equal Opportunity Officers under Section 188 of WIOA](#)



Section III: Notice and Communication 29 CFR 38.34 - 38.40

Purpose

The Department of Higher Education and Workforce Development (DHEWD/OWD) and the Department of Labor and Industrial Relations (DOLIR) is committed to complying with the notification and communication of equal opportunity requirements, which ensure the recipients of WIOA Title I funding implement the established policies and procedures for all registrants, applicants, eligible applicants and eligible registrants, applicants for employment, employees, and the general public are aware of the recipient's obligation to operate its programs and activities in a nondiscriminatory manner.

OWD

Equal Opportunity Notice/Poster

29 CFR 38.35 requires the Equal Opportunity notice/poster to include the following language:

Equal Opportunity Is the Law

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity;

providing opportunities in, or treating any person with regard to, such a program or activity; or

making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

What To Do If You Believe You Have Experienced Discrimination

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:



The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or

The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW., Room N-4123, Washington, DC 20210 or electronically as directed on the CRC Web site at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

The State of Missouri's Equal Opportunity notice/ poster is located on jobs.mo.gov. The Equal Opportunity notice/poster available in twelve different languages, including English, as required under 29 CFR 38.9(b). The Equal Opportunity notice/posters can be located through the links below or at <https://jobs.mo.gov/dwdeo>.

Missouri's Equal Opportunity Notice/Posters in Different Languages:

- [Equal Opportunity notice/poster English](#)
- [Equal Opportunity notice/poster Spanish](#)
- [Equal Opportunity notice/poster German](#)
- [Equal Opportunity notice/poster Arabic](#)
- [Equal Opportunity notice/poster French](#)
- [Equal Opportunity notice/poster French – Creole](#)
- [Equal Opportunity notice/poster Korean](#)
- [Equal Opportunity notice/poster Portuguese](#)
- [Equal Opportunity notice/poster Tagalog](#)
- [Equal Opportunity notice/poster Russian](#)
- [Equal Opportunity notice/poster Traditional Chinese](#)
- [Equal Opportunity notice/poster Vietnamese](#)

At minimum 29 CFR 38.36 requires the Equal Opportunity notice/poster must be:

(1) Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's Web site pages;



- (2) Disseminated in internal memoranda and other written or electronic communications with staff;
- (3) Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available; and
- (4) Provided to each participant and employee; the notice must be made part of each employee's and participant's file. It must be a part of both paper and electronic files if both are maintained.

(a) The notice must be provided in appropriate formats¹ to registrants, applicants, eligible applicants/registrants, applicants for employment and employees and participants with visual impairments. Where notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment, and employees with a visual impairment, a record that such notice has been given must be made a part of the employee's or participant's file.

(b) The notice must be provided to participants in appropriate languages other than English as required in § 38.9(b).

(c) The notice required by §§ 38.34 and 38.35 must be initially published and provided within 90 days of January 3, 2017, or of the date this part first applies to the recipient, whichever comes later.

LWDBs and service providers must follow the obligations set forth in Section 29 CFR 38.36.

Communication Requirements for Vital Information

29 CFR 38.9 (g)(3) requires all recipients to include a “Babel notice,” indicating in appropriate languages that language assistance is available in all communications of vital information, such as hard copy letters or decisions or those communications posted on websites. 29 CFR 38.4(ttt) defines vital information as “information, whether written, oral or electronic, that is necessary for an individual to understand how to obtain any aid, benefit, service, and/or training; necessary for an individual to obtain any aid, benefit, service, and/or training; or required by law.

Examples of documents containing vital information include, but are not limited to applications, consent and complaint forms; notices of rights and responsibilities; notices advising LEP individuals of their rights under this part, including the availability of free language assistance; rulebooks; written tests that do not assess English language competency, but rather assess competency for a particular license, job, or skill for which English proficiency is not required; and letters or notices that require a response from the beneficiary or applicant, participant, or employee.”

EO Notice/Poster Requirement for Service Providers

All LWDB, service providers, and recipients must adhere to the Missouri Nondiscrimination Plan and the [DWD Issuance 16-2017: Disseminating Notices for Equal Opportunity Complaints and WIOA Complaints & Grievances.](#)

EO Taglines for Publications, Broadcast, and other Communications Requirements

According to 29 CFR 38.38, all recipients must indicate that WIOA Title I financial assisted program or activity is an ***“equal opportunity employer/program” and that “auxiliary aids and services are available upon request to individuals with disabilities,”*** in recruitment brochures and other materials

¹ Alternate formats may include braille or an audio recording, as well as enlarging the poster using Zoom text or screen reader software.



that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper, to staff, participants or the general public to describe any program financially assisted under Title I of WIOA or for the requirement to participate in any recipient program and activity². Where materials indicate that the recipient may be reached by voice telephone, the materials must also prominently provide the telephone number of the (TTY) or equally effective telecommunication system, such as MO 711 relay service, videophone, or captioned telephone used by the recipient as required by 29 CFR 38.15(b). All recipients that publish or broadcast program information in the news media must ensure that publications and broadcast state that WIOA Title I-financially assisted programs or activities is an “equal opportunity/program” (or otherwise indicate that discrimination in the WIOA Title I-financially assisted program or activity is prohibited by Federal law), and indicate that auxiliary aids and services are available upon request to individuals with disabilities according to 29 CFR 38.38(b).

All recipients **must not** communicate any information that suggests, by text or illustration, that the recipient treats beneficiaries, registrants, applicants, participants, employees, or applicants for employment differently on any prohibited basis specified in 29 CFR 38.5, except as such treatment is otherwise permitted under Federal law according to 29 CFR 38.38(c).

Communication of EO Notice/Poster in Orientations

29 CFR 38.39 requires that each orientation to new participants, new employees, and/or the general public to Missouri Job Center program or activity, in person or over the internet or using other technology a recipient must include a discussion of rights and responsibilities under Section 188 of WIOA which includes the right to file a complaint of discrimination with the recipient of the U.S. DOL Civil Rights Center Director according to 29 CFR 38.39. This information must be communicated in appropriate languages as required under 29 CFR 38.9 and in formats accessible for individuals with disabilities as required in 29 CFR 38.15.

Affirmative Outreach

29 CFR 38.40 requires all recipients to take appropriate steps to ensure that they provide equal access to their WIOA Title I-financially assisted programs and activities at the Missouri Job Centers. These steps should involve reasonable efforts to include members of the various groups protected by these regulations, including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with limited English proficiency, individuals with disabilities, and individuals in different age groups. Such efforts may include, but are not limited to:

- (a)** Advertising the recipient's programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations;
- (b)** Sending notices about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations; and
- (c)** Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.

These efforts must include the members of various groups protected by Section 188 of WIOA including, but not limited to the following:

- persons of different sexes,

² [29 CFR 38.38\(a\)](#)



- various racial and ethnic/national origin groups,
- various religions,
- individuals with limited English proficiency,
- individuals with disabilities, and
- individuals in different age groups.

Equal Opportunity Continuing Notice and Poster Requirements - DOLIR

All Missouri Job Center, DOLIR Field Offices, and Unemployment Regional Claims Centers (DES-RCC) prominently display the [“Equal Opportunity is the Law”](#) poster. The EO complaint procedure is also available on the DOLIR website at <https://labor.mo.gov/eow>.

DOLIR updates its policy and procedure manual as needed to comply with any changes in the law. DOLIR has developed numerous policies and procedure regarding nondiscrimination, such as:

- B07-22100 - [Grievances](#)
- B07-22000 - [Overview \(Equal Employment Opportunity – EEO\)](#)
- B07-22200 - [Reasonable Accommodations for Disabilities](#)
- B07-22300 - [Workforce Diversity Plan \(Affirmative Action Plan\)](#)
- B07-22400 - [Workplace Harassment](#)

Supporting Documents

1. [DWD 16-2017: Disseminating Notices for Equal Opportunity Complaints and WIOA Complaints & Grievances](#)
2. [OWD Equal Opportunity Website](#)
3. [Missouri Equal Opportunity is the Law Notice/Poster](#)
4. [Missouri Job Centers Products and Services](#)
5. [B07-22100 Grievances](#) - DOLIR
6. [B07-22000 Overview \(Equal Employment Opportunity\)](#) - DOLIR
7. [B07-22200 Reasonable Accommodations for Disabilities](#) - DOLIR
8. [B07-22400 Non-Discrimination/Anti-Harassment Policy and Complaint Procedures](#)
9. [Workplace Harassment](#) - DOLIR
10. [B0722300 Workforce Diversity Plan \(Affirmative Action Plan\)](#) - DOLIR
11. [www.labor.mo.gov/EO](#) - DOLIR



Section IV: Data and Information Collection Maintenance 29 CFR 38.41 – 38.45

Purpose

This section of the Missouri Nondiscrimination Plan addresses the Missouri Department of Higher Education and Workforce Development's (DHEWD/OWD) and the Department of Labor and Industrial, Relations, Division of Employment Security's (DOLIR/DES) ability to comply with the nondiscrimination and equal opportunity provisions of the Data and Information Collection Maintenance Section (29 CFR 38.41-38.45). As long as Missouri receives WIOA Title-I funding, it will strictly comply with all relevant laws.

All WIOA recipients must adhere to the [OWD Issuance 02-2021: Statewide Case Note Policy](#) when recording the participant's interaction with the workforce system. OWD monitors case note activity to ensure participants receive quality and equal service under Section 188 of WIOA, 29 CFR Part 38 and the Missouri Nondiscrimination Plan.

Collection and Maintenance of Equal Opportunity Data and Other Information

All Missouri WIOA recipients must collect and maintain equal opportunity data and maintain such records in accordance with 29 CFR 38.41(b)(1). WIOA recipients must use methods of data collection and record retention that allow OWD and the CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance¹.

OWD utilizes Missouri's case management system, created to track information on job seekers and employers who participate in Labor Exchange, Self-Sufficiency, or WIOA programs. All staff, including subcontractors, are required to enter data into the MOJOBS case tracking system. The system is designed to collect and maintain records on every registrant, applicant, eligible applicant, participant, and terminees (program exiters (both positive and negative)). Through the MOJOBS system, OWD and the State EO Officer are able to monitor recipients' equal opportunity performance, identify possible instances of adverse impact or possible discrimination, and identify whether individuals or groups of individuals have been subjected to disparate impact or discriminated against on a basis prohibited by WIOA Section 188 and 29 CFR Part 38. If a program or activity offered through the Missouri Job Center is not collected in jobs.mo.gov, the recipient is responsible for collecting the required EO data in accordance with 29 CFR 38.41 and the Missouri Nondiscrimination Plan.

Under 29 CFR 38.41(b)(2), Such records must include but are not limited to records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the Limited English Proficiency (LEP) and preferred language of each applicant, registrant, participant, and terminee. Such information must be stored in a manner that ensures confidentiality and must be used only for the purposes of recordkeeping and reporting; determining eligibility, where appropriate, for WIOA Title I-financially assisted programs or activities; determining the extent to which the recipient is operating its WIOA Title I-financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law. Any medical or disability-related information obtained about a particular individual, including information that could lead to the

¹ [29 CFR 38. 41\(b\)\(1\)](#)



disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (for example, through password protection). 29 CFR 38.41(b)(3)

Disclosing knowledge of an individual's disability status or medical conditions is permitted in limited circumstances. 29 CFR 38.41(b)(3)(i). Persons in the following categories may be informed about an individual's disability or medical condition and have access to the information in related files under the following listed circumstances:

- (A) Program staff who are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity.
- (B) First aid and safety personnel who need access to underlying documentation related to a participant's medical condition in an emergency.
- (C) Government officials engaged in enforcing this part, any other laws administered by the Department, or any other Federal laws. *See also* § 38.44.

Informing supervisors, managers, and other necessary personnel regarding restrictions on the activities of individuals with disabilities and regarding reasonable accommodations for such individuals. 29 CFR 38.41(b)(3)(ii).

Additionally, 29 CFR 38.41(c) requires each recipient to maintain and submit to CRC upon request a log of complaints filed with the recipient that allege discrimination on the basis(es) of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA Title I-financially assisted program or activity. The log must include the name and address of the complainant; the basis of the complaint; a description of the complaint; the date the complaint was filed; the disposition and date of disposition of the complaint; and other pertinent information. Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential.

The State EO Officer maintains a log of complaints that allege discrimination, reported to the State or Local EO Officers according to [QWD Issuance 06 - 2021 : WIOA Complaint Resolution Policy](#). Local EO Officers are required to submit [complaint logs](#) to the State EO Officer quarterly for review and compilation.

Notification of Litigation

The State EO Officer is also responsible for notifying the CRC Director of any administrative enforcement actions or lawsuits brought against the agency, or any LWDBs or subcontractor, which alleges discrimination on one or more bases prohibited by WIOA Section 188. Under 29 CFR 38.42(a) each grant applicant and recipient must promptly notify the Director when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in a WIOA Title I-financially assisted program or activity. This notification must include:

- (1) The names of the parties to the action or lawsuit;



- (2) The forum in which each case was filed; and
- (3) The relevant case numbers.

Under 29 CFR 38.42(b) each recipient (as part of a compliance review conducted under § 38.63, or monitoring activity carried out under § 38.65) must provide the following information:

- (1) The name of any other Federal agency that conducted a civil rights compliance review or complaint investigation and that found the grant applicant or recipient to be in noncompliance, during the two years before the grant application was filed or CRC began its examination; and
- (2) Information about any administrative enforcement actions or lawsuits that alleged discrimination on any protected basis and that were filed against the grant applicant or recipient during the two years before the application or renewal application, compliance review, or monitoring activity. This information must include:
 - (i) The names of the parties;
 - (ii) The forum in which each case was filed; and
 - (iii) The relevant case numbers.

Records Retention

All WIOA recipients must maintain the following records, including electronic form (including email) or hard copies for a period not less than three (3) years from the close of the program according to 29 CFR 38.43(a) and [QWD 11-2019: Records Disposition Policy](#):

- (1) The records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment; and
- (2) Such other records as are required under this part or by the Director.

29 CFR 38.43(b) requires that when a discrimination complaint has been filed or compliance review initiated, every recipient that possesses or maintains any type of hard-copy or electronic record related to the complaint (including records that have any relevance to the underlying allegations in the complaint, as well as records regarding actions taken on the complaint) or to the subject of the compliance review must preserve all records, regardless whether hard-copy or electronic, that may be relevant to a complaint investigation or compliance review, and maintain those records for a period of not less than three (3) years from the date of final action related to the resolution of the complaint or compliance review.

DOLIR Data Collection Requirements under WIOA

All relevant data collected by DOLIR related to potential program applicants/participants and applicants for employment is maintained and stored in a confidential manner. DOLIR utilizes a program to develop a family of internal reports to use in monitoring Unemployment Insurance (UI) claims. Following the guidance provided in [Unemployment Insurance Program Letter \(UIPL\) 11-14](#), the Division of Employment Security (DES) produces quarterly reports that contain the following information disaggregated by race, ethnicity, sex, age, and disability status according to 29 CFR 38.41(b)(1)(2):

- Overall single-claimant claims processed: new initial claims, additional initial claims, total initial claims
- Single-claimant monetary determinations: total number made, total number resulting in ineligibility



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- Single-claimant nonmonetary determinations: total number made, total number denying benefits
- Separation issues: total number made because of voluntary quits, discharge for misconduct, other; total number denying benefits because of these issues
- Non-separation issues: total number made because of able, available, and actively seeking work, disqualifying or deductible income, refusal of suitable work, reporting requirements, and others; total number denying benefits because of these issues
- Single-claimant appeals: total number of lower authority appeals decisions made by separation issues (voluntary quits, discharge for misconduct, and others) and by non-separation issues (able, available, and actively seeking work, disqualifying or deductible income, refusal of suitable work, reporting requirements, and others); total number of lower authority decisions in favor of claimants, total number of lower authority decisions not in favor of claimants; total number of higher authority appeals decisions made; total number of higher authority decisions made in favor of claimants; total number of decisions not in favor of claimants

These reports are generated each quarter and show a year's worth of cumulative data.

Supporting Documents

1. [OWD Issuance 19-2019: Statewide confidentiality and Information Security Plan Policy](#)
2. [DHEWD WIOA Discrimination Complaint Log](#)
3. [OWD 11-2019: Records Disposition Policy](#)
4. [OWD 02-2021: Statewide Case Note Policy Service](#)
5. [OWD 06-2021: WIOA Complaint Resolution Policy](#)
6. [Advisory: Unemployment Insurance Program Letter No. 11-14](#)
7. [DOLIR EO Complaint Log](#)



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Section V: Affirmative Outreach 29 CFR 38.40

Purpose:

This Section of the Missouri Nondiscrimination Plan addresses the Missouri Department of Higher Education and Workforce Development's (DHEWD/OWD) and the Department of Labor and Industrial, Relations, Division of Employment Security's (DOLIR/DES) ability to comply with the nondiscrimination and equal opportunity provisions of the Affirmative Outreach Section (29 CFR 38.40). As long as Missouri receives WIOA Title I funding, it will strictly comply with all relevant laws.

DES addresses requirements found in 29 CFR 38.54(d)(1)(vi) and 29 CFR 38.42 by providing equitable services among the eligible population through its outreach programs. These programs are designed to broaden the composition of the pool of those persons considered for participation in programs administered through the DES. DOLIR has policies and procedures in place that allow employees and program recipients to file grievances.

Missouri Demographic Information to Target Underserved Populations

OWD and DES partner with the [Missouri Economic Research Information Center \(MERIC\)](#). MERIC provides our Missouri's workforce system with analyses and assistance on economic, industrial, occupational, demographic data to assist policymakers to special initiative studies, programs, and activities in Missouri's workforce. MERIC research includes workforce region studies, spatial analyses, and comprehensive coverage of the state's industry and occupational data produced in cooperation with the U.S. Department of Labor.

OWD is able to gather and conduct a statistical and quantifiable data analysis by the required demographics (race/ethnicity, sex, age, disability status (if known), and for participants preferred language) for each Local Workforce Development Area (LWDA) effective. OWD collects data on those individuals that are Limited English Proficient(LEP), and this data is used to conduct an assessment. OWD also utilize and generate reports from the contracted language line vendor(s). This information is provided to each Local Workforce Development Board (LWDB) to assist in their LEP assessment and planning efforts and to develop services in accordance with specific regional population growth. Local Workforce Service Areas (LWSAs) are required to conduct statistical and quantifiable data analysis annually. Local EO Officers may also obtain data from OWD's "MoPerforms" data reporting system to enhance their capacity to perform the service area's specific analysis. The LWDB is responsible for collecting the required demographic data requirements for programs, services, and activities not captured in jobs.mo.gov¹.

The Missouri State WIOA Plan requires local service areas to reach out to specific target groups, including women, minorities, older individuals, LEP, and persons with disabilities. OWD requires each local service area to ensure that their Affirmative Outreach and recruitment plans are implemented to broaden the applicant's composition for employment, registrant, and participant pools when monitoring for compliance.

DOLIR completed a number of projects to disseminate messages to minority populations most likely to be disenfranchised, including but not limited to:

- A comprehensive website with information on worker protection, wage complaints, discrimination reporting workplace injury, fair housing, unemployment benefits, and more.
- Creating web applications allowing users to exchange services online without having to call or drive to a department office. DOLIR's UIInteract system allows people to file unemployment insurance

¹ [29 CFR 38.41](#)



claims online from their homes or other convenient locations. People may also file discrimination complaints online.

Ensuring Affirmative Outreach for Individuals with Disabilities

OWD is obligated to not discriminate on the basis of disability by developing system-wide policies and procedures found under Element 5 of the Missouri Nondiscrimination Plan that addresses the integration of program participants and employees with disabilities. The programs, services, and activities are monitored annually for compliance with Section 188 of WIOA, 29 CFR 38, and the Missouri Nondiscrimination Plan. The State EO Officer offers training to Local EO Officers on their roles and responsibilities to ensure physical and programmatic accessibility awareness to job center staff annually. OWD requires all LWDBs and its recipients to implement a reasonable accommodation/modification policy in accordance with [DWD Issuance 33-2017: Harassment, Discrimination, and Retaliation Policy; Accommodation Policy.](#)

Physical & Programmatic Accessibility and Assistive Technology

OWD has implemented the [OWD 06-2022 Issuance: Missouri Comprehensive Job Center and Affiliate Job Center Certification Evaluation and Criteria](#) to evaluate the effectiveness of the physical and programmatic layout of Missouri Job Centers. This issuance requires the Missouri Workforce Development Board (MOWDB), in consultation with local Chief Elected Officials (CEO) and LWDBs in their Local Workforce Development Area (LWDA) to establish objective criteria and procedures to evaluate and to certify Comprehensive and Affiliate Job Centers at least once every three (3) years.

Each Missouri Job Center is required to make assistive technology available to ensure equal access to services; including, a screen reader, a screen enlarger, communications access to telephone services for the Deaf (Relay Service and a TTY or IP Relay Service) according to [DWD 12-2017: Minimum Standards for Assistive Technologies in Missouri Job Centers](#). This Issuance establishes minimum standards for Missouri Job Centers to ensure that programs and services delivered through Missouri's job centers are physically and programmatically accessible to all, including individuals with disabilities. Additionally, assistive equipment is made available when a customer makes a request. Missouri Job Centers have many resources to accommodate or provide modifications to programs or services. One resource is [Missouri Assistive Technology](#) and their equipment loan program for local school districts and other public/private Missouri agencies. Missouri workforce partners receive support in the form of technical assistance and equipment loans on request from the Missouri Assistive Technology. This partnership ensures services are effectively provided to customers with disabilities.

Ensuring Affirmative Outreach for Limited English Proficiency Individuals

According to 29 CFR 38.4 (hh), Limited English proficient (LEP) individual means an individual whose primary language for communication is not English and has a limited ability to read, speak, write, and/or understand English. OWD has also taken specific steps to broaden the composition of its participant pool to include individuals that are LEP by having the LWDBs advertise programs and/or activities in media, newspapers, or radio programs that specifically target various populations. OWD also monitors the LWDBs to ensure the LWDB provides notices about openings in the Missouri Job Center's programs and/or activities to schools or community service groups that serve various populations. Finally, OWD monitors the LWDBs to ensure the LWDB is consulting with the appropriate community service groups about ways in which the recipient may improve outreach and service to various populations.



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OWD requires the LWDBs to adhere to [OWD Issuance 04-2021: Access to Meaningful Services with Limited English Proficiency Policy](#) when developing and implementing a local LEP plan. OWD conducts statewide LEP training to ensure all staff and partners are knowledgeable and capable of providing services to LEP individuals. OWD developed guidance for the Babel notice to be implemented in accordance with 29 CFR 38.4(i) for LWDBs and recipients to implement in multiple languages. The Babel notice informs customers that the communication contains vital information, and it explains how to access language services and to have the contents of the communication translated into other languages.

OWD Babel Notice Resources:

- [OWD's Babel Notice](#)

OWD requires all LWDBs and recipients to post in Missouri Job Centers the following posters²:

- [Point to Your Language](#)
- [Your Right to Interpreter](#)
- [Limited English Proficiency Brochures](#)

Missouri's Equal Opportunity Notice/Posters in Different Languages:

- [Equal Opportunity notice/poster English](#)
- [Equal Opportunity notice/poster Spanish](#)
- [Equal Opportunity notice/poster German](#)
- [Equal Opportunity notice/poster Arabic](#)
- [Equal Opportunity notice/poster French](#)
- [Equal Opportunity notice/poster French – Creole](#)
- [Equal Opportunity notice/poster Korean](#)
- [Equal Opportunity notice/poster Portuguese](#)
- [Equal Opportunity notice/poster Tagalog](#)
- [Equal Opportunity notice/poster Russian](#)
- [Equal Opportunity notice/poster Traditional Chinese](#)
- [Equal Opportunity notice/poster Vietnamese](#)

DOLIR is committed to providing services to all individuals seeking its programs and makes services easily accessible through the use of auxiliary aids, translated documents, and language interpreters. DOLIR's website features a variety of Spanish-language publications. [UIInteract](#), DOLIR's online unemployment application system, allows applicants to complete required information screens in English and Spanish. Links are also provided in six (6) additional languages: Arabic, Bosnian, French, Somali, Russian, and Vietnamese. These six (6) languages were selected based upon data provided from prior interpreter services requests. Messages in these six (6) languages direct users to contact the DOLIR Regional Claims Center to receive assistance in accessing translation/interpreter services. Applicants who speak languages other than English, Spanish, or the six listed above may choose an "Other" tab, which provides an English-language message and contact number for the Regional Claims Center, where a Benefit Program Specialist can assist the applicants in accessing translation/interpreter services in their preferred language.

² [OWD 04-2021 Issuance: Access to Meaningful Services with Limited English Proficiency Policy](#).



Priority of Service

OWD implemented [DWD 10-2016: Priority of Service for Veterans and Eligible Spouses policy](#) regarding the priority of service for veteran customers. The Jobs for Veterans Act (JVA) of 2002 created a priority service requirement for all qualified DOL job training programs. OWD provides “Qualified job training programs,” which are defined by the law as “any workforce preparation, development or delivery program or service that is directly funded, in whole or in part, by the Department,” according to [20 CFR 1010.100\(a\)](#).

Affirmative Outreach - Employment Applicant Pool

OWD also took steps to broaden the composition of OWD’s employment applicant pool. The Division regularly places job advertisements and workforce-related articles written by OWD staff in local Hispanic, African-American, and women’s newspapers, job boards, and social media sites, including but not limited to the following:

- [LinkedIn](#)
- [Facebook](#)
- [Indeed.com](#)
- [mocareers.mo.gov](#)

As job vacancies arise, DOLIR places posting information on [mocareers.mo.gov](#), located on the Official Missouri State website, and sends regular updates to DOLIR staff regarding internal job openings. DOLIR is currently exploring methods to increase its online presence with job applicants and utilizes social media sites such as LinkedIn, Indeed, Glassdoor and Twitter. For open positions that require specific licensing/certifications, DOLIR partners with state professional organizations for posting and recruitment (for example, placing ads with the Missouri Bar Association’s online job postings for lawyers).

DOLIR uses career services offices at St. Louis Community College, Westminster College, the University of Missouri, Stephens College, Columbia College, William Woods University, Harris-Stowe University, Truman State University, Northwest Missouri State University, Missouri Western University, the University of Central Missouri, and Lincoln University to announce job vacancies to students, alumni, and the public.

Supporting Documents

1. [State WIOA Plan 2020-2023](#)
2. [DWD Issuance 33-2017: Harassment, Discrimination, and Retaliation Policy; Accommodation Policy](#)
3. [OWD Issuance 06-2022: Missouri Comprehensive Job Center and Affiliate Job Center Certification Evaluation and Criteria](#)
4. [OWD Issuance 04-2021: Access to Meaningful Services with Limited English Proficiency Policy](#)
5. [Promising Practices In Achieving Nondiscrimination and Equal Opportunity: A Section 188 Disability Reference Guide](#)
6. [DWD 10-2016: Priority of Service for Veterans and Eligible Spouses policy](#)
7. [OWD EO Unit Affirmative Outreach Guide](#)
8. [DWD 12-2017: Minimum Standards for Assistive Technologies in Missouri Job Centers](#)
9. [www.labor.mo.gov](#)
 1. [www.labor.mo.gov/des](#) (comprehensive information for UI claimants)
 2. [www.labor.mo.gov/discrimination](#)
 3. [www.labor.mo.gov/EO](#)



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4. www.labor.mo.gov/posters (includes Spanish-language posters)
5. www.labor.mo.gov/training (request training on a variety of topics, including harassment and discrimination prevention)
10. [Missouri Economic Research and Information Center \(MERIC\) website](http://Missouri Economic Research and Information Center (MERIC) website)
11. WIOA Missouri Annual Report 2020-2021
12. WIOA Missouri Annual Report 2021-2022



Section VI: Complaint Processing Procedures 29 CFR 38.69 - 38.85

Purpose

The Department of Higher Education and Workforce Development (DHEWD/OWD) and the Department of Labor and Industrial Relations (DOLIR) is committed to complying with the complaint processing procedures of equal opportunity requirements, which ensure the recipients of WIOA Title I funding implement the established policies and procedures for all registrants, applicants, eligible applicants and registrants, applicants for employment, employees, and the general public rights to file a discrimination complaint.

Section 29 CFR 38.69 permits any person or the person's representative who believes that any of the following circumstances exist may file a written complaint:

A person, or any specific class of individuals, has been or is being discriminated against on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, citizenship status, or participation in any WIOA Title I-financially assisted program or activity as prohibited by WIOA or 29 CFR 38 Part 38.

Either the person or any specific class of individuals has been or is being retaliated against as described in 29 CFR 38.19.

- A person or the person's representative may file a complaint with either the recipient's EO Officer (or the person the recipient has designated for this purpose) or the Director. Complaints filed with the Director should be sent to the address listed in the notice or filed electronically as described in the notice in 29 CFR 38.35.
- Generally, a complaint must be filed within 180 days of the alleged discrimination or retaliation. However, for good cause shown, the Director may extend the filing time. The time period for filing is for the administrative convenience of CRC and does not create a defense for the respondent.

Discrimination complaints may be filed by contacting the:

State EO Officer's Contact Information:

Danielle Smith, State WIOA EO Officer
Missouri Department of Higher Education
Office of Workforce Development
P.O. Box 1087
Jefferson City, Missouri 65102
573-751-2428 (Voice) | 573-751-4088 (Fax) | 800-735-2966 or 711 (Relay Missouri),
E-mail: danielle.smith@dhewd.mo.gov

State Agency Equal Opportunity Officer

Sara Seaver
Equal Opportunity Officer
Missouri Department of Labor and Industrial Relations
421 East Dunklin Street
Jefferson City, Missouri 65102



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(573) 751-1339

Sara.Seaver@labor.mo.gov

Local Equal Opportunity Officer at <https://jobs.mo.gov/community/equal-opportunity>, or the Director of the Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Ave. NW, Room N-4123, Washington D.C. 20210. CRC Web site at www.dol.gov/crc.

OWD

29 CFR 38.1 prohibits recipients of federal financial assistance to discriminate on the following bases: against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

It is illegal for any recipient to discriminate in any of the following areas: deciding who will be admitted or have access to any WIOA Title I-financially assisted program or activity; providing opportunities in or treating any person with regard to such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

All recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities and LEP individuals are as effective as communications with others according to 29 CFR 38.9. Upon request and at no cost to the individual, recipients must provide interpretive services, appropriate auxiliary aids, and other services to qualified individuals with disabilities and LEP individuals.

Initial Review of Written Complaints

29 CFR 39.70 requires written complaints to contain several elements. Each complaint must be filed in writing, either electronically or in hard copy, and must contain the following information:

- The complainant's name, mailing address, and, if available, email address (or another means of contacting the complainant).
- The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination).
- A description of the complainant's allegations. This description must include enough detail to allow the State EO Officer or the CRC Director or the recipient, as applicable, to decide whether:
 - (1) CRC or the State EO Officer recipient, as applicable, has jurisdiction over the complaint;
 - (2) The complaint was filed in time; and
 - (3) The complaint has apparent merit; in other words, whether the complainant's allegations, if true, would indicate noncompliance with any of the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR 38.



- The written or electronic signature of the complainant or the written or electronic signature of the complainant's representative.
- A complainant may file a complaint by completing and submitting the OWD's Complaint Information¹ Form or the CRC's Complaint Information and Privacy Act Consent Forms², which may be obtained from the recipient's EO Officer or the CRC. The forms are available electronically on jobs.mo.gov or on the [CRC's Website](#), and in hard copy via postal mail upon request. The latter requests may be sent to CRC at the address listed in the notice contained in 29 CFR 38.35.

Time Limits

OWD strives to process a discrimination complaint completely within ninety (90) days starting from the complaint's filing date, including a Notice of Final Action. If OWD is not able to complete the investigation or ADR/Mediation within approximately 90 days, OWD will notify the Complainant that it needs more time to process the complaint. OWD will notify the Complainant of their rights to file with the Civil Rights Center (CRC) if they are not satisfied with an extension.

Complaint Routing and Record-Keeping

Recipients must immediately disclose discrimination complaints to the State EO Officer within two (2) business days from receipt of the complaint. Local EO Officers log all complaints on the [OWD-PO-526 EO Local WIOA Discrimination Complaint Log](#). The log includes the name and address of the complainant, the basis for the complaint, a description of the complaint, the final disposition date of disposition of the complaint, and any other pertinent information. State and Local-level EO Officers are responsible for keeping any identifying information confidential.

Complaint Processing: Required Elements

Section 29 CFR 38.72 promulgates the procedures that a recipient adopts and publishes for processing complaints permitted under 29 CFR 38 and WIOA Section 188 must state that the recipient will issue a written Notice of Final Action on complaints within 90 days of the date on which the complaint is filed.

At a minimum, the procedures must include the following elements:

(1) Initial, written notice to the complainant that contains the following information:

- (i)** An acknowledgment that the recipient has received the complaint; and
- (ii)** Notice that the complainant has the right to be represented³ in the complaint process;
- (iii)** Notice of rights contained in 29 CFR 38.35; and
- (iv)** Notice that the complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that this notice will be translated into the non-English languages as required in 29 CFR 38.4(h) and (i), 38.34, and 38.36.

(2) A written statement of the issue(s), provided to the complainant, that includes the following information:

¹ [OWD's Complaint Information Form](#)

² [CRC's Complaint Information and Privacy Act Consent Forms](#)

³ [29 CFR 29.71](#)



- (i) A list of the issues raised in the complaint; and
- (ii) For each such issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection.
- (3) A period for fact-finding or investigation of the circumstances underlying the complaint.
- (4) A period during which the recipient attempts to resolve the complaint. The methods available to resolve the complaint must include alternative dispute resolution (ADR),
- (5) A written Notice of Final Action, provided to the complainant within 90 days of the date on which the complaint was filed, that contains the following information:
 - (i) For each issue raised in the complaint, a statement of either:
 - (A) The recipient's decision on the issue and an explanation of the reasons underlying the decision; or
 - (B) A description of the way the parties resolved the issue; and
 - (ii) Notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is received if the complainant is dissatisfied with the recipient's final action on the complaint.

The procedures the recipient adopts must provide for alternative dispute resolution (ADR). The recipient's ADR procedures must provide that:

- (1) The complainant may attempt ADR at any time after the complainant has filed a written complaint with the recipient but before a Notice of Final Action has been issued.
- (2) The choice whether to use ADR or the customary process rests with the complainant.
- (3) A party to any agreement reached under ADR may notify the State EO Officer in the event the agreement is breached. In such circumstances, the following rules will apply:
 - (i) The non-breaching party may notify the State EO Officer within 30 days of the date on which the non-breaching party learns of the alleged breach; and
 - (ii) The State EO Officer must evaluate the circumstances to determine whether the agreement has been breached. If the State EO Officer determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the recipient's procedures.
- (4) If the parties do not reach an agreement under ADR, the complainant may file a complaint with the State EO Officer will continue the investigation process.

Notice of Lack of Jurisdiction

29 CFR 38.74 Recipient's obligations when it determines that it has no jurisdiction over a complaint.

If a recipient determines that it does not have jurisdiction over a complaint, 29 CFR 29.74 requires the recipient to notify the complainant in writing within five (5) business days of making such determination. This Notice of Lack of Jurisdiction must include:

- (a) A statement of the reasons for that determination; and
- (b) Notice that the complainant has a right to file a complaint with the CRC within 30 days of the date on which the complainant receives the Notice.

According to 29 CFR 39.80, if the OWD does not have jurisdiction over a complaint, the State EO Officer must:



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- (a) Notify the complainant in writing and explain why the complaint falls outside the coverage of the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38; and
- (b) Where possible, transfer the complaint to an appropriate Federal, State, or local authority.

Alternative Dispute Resolution

According to 29 CFR 38.85, OWD may offer the option of alternative dispute resolution (ADR) of the complaint filed with OWD. In such circumstances, the following rules apply:

- (a) ADR is voluntary; consent must be given by the complainant and respondent before the ADR process will proceed.
- (b) The ADR will be conducted under the guidance of the State EO Officer.
- (c) ADR may take place at any time after a complaint has been filed under 29 CFR 38.69, as deemed appropriate by the State EO Officer.
- (d) CRC will not suspend its investigation and complaint processes during ADR.

Intimidation and Retaliation Prohibited

According to 29 CFR 38.19, no WIOA Title-I recipient may discharge, intimidate, retaliate, threaten, coerce, or discriminate against any individual because the individual has filed a discrimination complaint or otherwise participated in the investigation of a discrimination complaint.

WIOA Program Complaints and Grievances Process Procedures

Under 29 CFR 38.73, the Governor or the LWDA grant recipient, as provided in the State's Nondiscrimination Plan, must develop and publish, on behalf of its service providers, the complaint processing procedures. The service providers must then follow those procedures.

In Missouri, every recipient of WIOA Title I funds must maintain a written procedure for grievances and complaints in accordance with 20 CFR 683.600, *et seq.* A complainant has one (1) year from the date of the event to register a general WIOA complaint. General WIOA complaints fall into two categories:

1. Complaints involving local WIOA programs, agreements, or LWDB's policies and activities; or
2. Complaints involving State WIOA policies, programs, activities, or agreements.

It is possible to amend or withdraw a complaint at any time prior to a scheduled hearing. All job center employees processing a WIOA complaint must keep identifying information confidential, to the extent practical.

OWD and its One-Stop partners will not discharge, intimidate, retaliate, threaten, coerce, or discriminate against any person because such person files a complaint, opposes a prohibited practice, furnishes information, assists, or participates in any manner in an investigation or hearing.

Local offices may duplicate the [OWD General WIOA Complaint Form](#). Any alternate form must include the same information on the General WIOA Complaint Form. Any complaint received in writing will be accepted and handled in the same manner as the General WIOA Complaint Form.

The Local EO Officers will log all WIOA formal complaints on the form [\(OWD-PO-527\) EO](#)



[Local WIOA Complaint Log](#). The log includes the name and address of the complainant, the basis for the complaint, a description of the complaint, the disposition and date of disposition of the complaint, and any other pertinent information. [OWD provides a Program Complaint and Grievance Guide](#) with documentation requirements and template letters as a resource to the Local EO Officers.

Allow the Complainant sufficient time and technical assistance to provide a complete and clearly written complaint. If the Complainant is unable to write, staff may transcribe his or her words onto the form; staff must take care not to alter the language of the Complainant.

After receiving a written complaint, the employee taking the complaint should review it immediately to ensure completeness. Employees must ensure the complaint contains the:

1. Full name, telephone number, and address of the person making the complaint;
2. Full name and address of the respondent; and
3. Statement of the facts (including dates) that constitute the alleged violation(s).

Complaints Involving Local Programs and Policies

Who May File

Any individual who qualifies under 29 CFR 38.69 may file a complaint alleging a violation of local WIOA programs, agreements, or LWDB policies and activities.

Resolution Process

Step One - Initial Review

If the complaint alleges a violation of any statute, regulation, policy, or program outside of WIOA, the Local EO Officer may refer the complaint to the appropriate organization for resolution. In such cases, the Local EO Officer will notify the complainant of the referral⁴.

After receiving the complaint, the Local EO Officer logs the complaint. The Local EO Officer will then establish a complaint file containing the following:

1. [WIOA General Complaint Form](#) (or complainant's written statement);
2. Chronological log of events or conditions alleged to be a violation of WIOA;
3. Any relevant correspondence; and
4. Record of the attempted informal resolution.

Step Two - Informal Resolution

The Local EO Officer shall make an informal attempt to resolve the complaint. This informal resolution process must be complete within ten (10) business days from the filing of the complaint. If all parties are satisfied, the complaint is resolved and documented in the complainant's file. If the parties do not reach an informal resolution, the process continues.

Step Three - Formal Resolution

When an informal resolution is not possible, the Local EO Officer will issue a determination within twenty (20) business days from the filing of the complaint. If the complainant does not request an appeal of the determination within seven (7) business days, the complaint is considered resolved. The

⁴ [29 CFR 38.81](#)



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Local EO Officer will document the determination (formal resolution) of the complaint in the complaint file. Any party dissatisfied with the determination may request a hearing within seven (7) business days of the determination date.

Step Four – Hearing

A complainant may request a hearing if dissatisfied with the formal resolution. A complainant may amend or withdraw their complaint at any time prior to a scheduled hearing. If the complaint is not withdrawn, the Local EO Officer will designate a hearing officer or a hearing committee to ensure the complaint receives fair and impartial treatment. The hearing officer must conduct the hearing within forty-five (45) business days from the filing of the complaint. The hearing officer will schedule a formal hearing and mail a written notice to the complainant, the respondent, and any other interested party at least seven (7) business days prior to the hearing.

The hearing notice will include the date, time, and place. Parties may present witnesses and documentary evidence and question others who present evidence and witnesses. The complainant may request the production of records and document Attorneys, or another designated representative (s) may represent each party⁵. Testimony is under oath or affirmation and recorded.

The hearing officer's recommended resolution will include a summary of factual evidence presented during the hearing and is the basis for the hearing officer's conclusion. The hearing officer will also consult with the Chief Local Elected Official (CLEO) toward reaching a consensus on the recommended resolution to the complaint. If a consensus cannot be reached, the hearing officer will initiate a request to the state for resolution.

Step Five - Final Decision

The Local EO Officer will review the recommendation of the hearing officer and issue a final decision within sixty (60) business days from the filing of the complaint.

Step Six - Appeal

Any party dissatisfied with the final decision, or any party who has not received either a final decision or a resolution within approximately sixty (60) business days from the date the complaint was filed, may request an appeal. OWD must receive the appeal within ninety (90) business days from the filing of the complaint. Send appeals to:

Missouri Department of Higher Education and Workforce Development

State WIOA Compliant and Grievance Office

Email: danielle.smith@dhewd.mo.gov

Danielle Smith, State WIOA Complaint and Grievance Officer

301 W. High Street

P.O. Box 1087

Jefferson, MO 65102-1087

⁵ [29 CFR 38.71](https://www.ecfr.gov/lookup/section?title=29&part=38.71)



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OWD will review the complaint file, the hearing record, and all applicable documents and issue a final decision on the appeal within approximately thirty (30) business days from the date the appeal was received.

Complaints Involving State WIOA Policies, Programs, Activities or Agreements

Who May File

Anyone who qualifies under 29 CFR 38.69 may file a complaint alleging a violation of local WIOA programs, agreements, or LWDB policies and activities.

Resolution Process

Step One - Initial Review

After receiving the complaint, the Local EO Officer logs the complaint. The Local EO Officer will then establish a complaint file containing the following:

1. [WIOA General Complaint Form](#) (or complainant's written statement);
2. Chronological log of events or conditions alleged to be a violation of WIOA;
3. Any relevant correspondence; and
4. Record of the attempted informal resolution.

Step Two - Informal Resolution

The Local EO Officer shall make an informal attempt to resolve the complaint. This informal resolution process must be complete within ten (10) business days from the filing of the complaint. If all parties are satisfied, the complaint is resolved and documented in the complainant's file. If the parties do not reach an informal resolution, the process continues.

Formal Resolution- Step Three

When an informal resolution is not possible, OWD will forward the complaint file to the address below:

Missouri Department of Higher Education and Workforce Development

State WIOA Compliant and Grievance Office

Email: danielle.smith@dhewd.mo.gov

Danielle Smith, State WIOA Complaint and Grievance Officer

301 W. High Street

P.O. Box 1087

Jefferson City, MO 65102-1087

The State WIOA Complaint and Grievance Officer will review the complaint file, conduct further investigation, if necessary, and issue a determination within twenty (20) business days from the filing of the complaint. If the complainant does not request an appeal of the determination, the complaint is considered resolved, and the complaint file will be documented accordingly. Any party dissatisfied with the determination may request a hearing within fourteen (14) business days of the determination date.

Step Four – Hearing



A complainant may request a hearing if dissatisfied with the formal resolution. A complainant may amend or withdraw their complaint at any time prior to a scheduled hearing. If the complaint is not withdrawn, the Local EO Officer will designate a hearing officer or a hearing committee to ensure the complaint receives fair and impartial treatment. The hearing officer must conduct the hearing within forty-five (45) business days from the filing of the complaint. The hearing officer will schedule a formal hearing and mail a written notice to the complainant, the respondent, and any other interested party at least seven (7) business days prior to the hearing.

The hearing notice will include the date, time, and place. Parties may present witnesses and documentary evidence and question others who present evidence and witnesses. The complainant may request the production of records and document Attorneys, or another designated representative (s) may represent each party⁶. Testimony is under oath or affirmation and recorded.

The hearing officer's recommended resolution will include a summary of factual evidence presented during the hearing and is the basis for the hearing officer's conclusion. The hearing officer will also consult with the Chief Local Elected Official (CLEO) toward reaching a consensus on the recommended resolution to the complaint. If a consensus cannot be reached, the hearing office will initiate a request to the state for resolution.

Step Five - Final Decision

OWD will review the recommendation of the hearing officer and issue a decision within sixty (60) business days from the date the complaint was filed. The decision of OWD is final.

Appeals to the U.S. Department of Labor (USDOL)

A complainant who receives an adverse final or appeal decision from the State may appeal that decision to USDOL within sixty (60) days of the receipt of the decision being appealed. Parties have one hundred and twenty (120) from the date of filing, or filing of the appeal of a local grievance with the State to file an appeal via certified mail, return receipt requested, to the Secretary, U.S. Department of Labor, Washington, DC 20210, Attention: ASET. The Employment and Training Administration (ETA) Regional Administrator and the opposing party must receive copies of the appeal.

Criminal Fraud, Waste, and Abuse

Information and complaint involving criminal fraud, waste, abuse, or other criminal activity must report immediately through the OWD's Incident Reporting System to the USDOL Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW, Washington, D.C. 20210, or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the ETA. The Hotline number is 1-800-347-3756. Complaints of a non-criminal nature are handled under the procedures set forth in 20 C.F.R.683.620 or through [DWD Issuance 23-2015 Policy on Reports and Complaints about Criminal Fraud, Waste, Abuse, or Other Criminal Activity Related to Federal Awards](#).

⁶ [29 CFR 38.71](#)



DOLIR

The DOLIR's Equal Opportunity Officer has the designated responsibility for developing and implementing a procedure for processing complaints alleging discrimination under the provisions of 29 CFR Part 38.

Consistent with 29 CFR 38.54 (d)(1)(v) and 29 CFR 38.76 through 38.79, DOLIR has adopted and published a procedure providing for the prompt and equitable resolution of complaints alleging violation of the nondiscrimination or equal opportunity provisions. The Equal Opportunity Officer maintains a log of discrimination complaints filed. Such logs contain the name and address of the complainant, basis, and description of the complaint, date filed, and disposition of the complaint. The DOLIR EO Officer has the authority to investigate claims made against DOLIR employees or in receipt of DOLIR services. Claimants, who express concerns about discrimination in the private sector, or against other state/municipal employers receive contact information for the Missouri Commission on Human Rights, another agency within DOLIR that has authority to assess and remedy employment discrimination claims.

DOLIR's complaint processing concerning its employees follows the process provided in its [Administrative Policy Manual, Policy B07-22100](#). All relevant internal publications reflect the timeframes associated with filing complaints and instructions for filing complaints directly with the Civil Rights Center (CRC).

With regard to persons making claims against DOLIR, the EO Officer investigates the claims, gathering and reviewing all relevant information. At the close of the investigation, the EO Officer writes a letter to the claimant explaining the investigation's outcome. A copy of every letter is provided to the Director of the Division of Employment Security, and each letter contains instructions on how the claimant may contact the CRC directly. When necessary, the EO Officer consults with senior management to ensure that all services are provided equitably and with excellent customer service --- note that the "EO Is the Law" notification that is posted at all local Missouri Job Centers, Regional Claims Centers, and other work areas provide detailed instruction for filing complaints.

Supporting Documents

1. [Missouri Equal Opportunity is the Law Poster](#)
2. [Missouri Equal Opportunity is the Law Poster \(Spanish\)](#)
3. [OWD Compliant Information Form\(CIF\)](#)
4. [OWD Complaint and Information Form \(CIF\) \(Spanish\)](#)
5. [DHEWD WIOA Discrimination Complaint Log](#)
6. [OWD MO Equal Opportunity is the Law Notice](#)
7. [OWD MO Equal Opportunity is the Law Notice \(Spanish\)](#)
8. [OWD WIOA Program Complaints and Grievance Guide](#)
9. [WIOA General Complaint Form](#)
10. [WIOA General Complaint Form \(Spanish\)](#)
11. [DHEWD WIOA Program Complaint and Grievances Log](#)
12. [OWD Issuance 06-2021 WIOA Complaint Resolution Policy](#)
13. [DOLIR Policy B07-22100](#)



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14. [DWD Issuance 23-2015 Policy on Reports and Complaints about Criminal Fraud, Waste, Abuse, or Other Criminal Activity Related to Federal Awards](#)
15. [DOLIR Equal Opportunity Complaint Form](#)



Section VII: Governor's Oversight Responsibilities Regarding Recipients' Recordkeeping 29 CFR 38.51-53

Purpose:

This Section of the Missouri Nondiscrimination Plan demonstrates the Missouri Department of Higher Education and Workforce Development, Office of Workforce Development (DHEWD/OWD) and the Department of Labor and Industrial Relations, Division of Employment Security (DOLIR/DES) compliance with Section 188 WIOA and 29 CFR 38.51-38.53.

Section 29 CFR 38.51(a) and (b) delegate the annual Equal Opportunity (EO) monitoring review to OWD. The annual EO monitoring review evaluates compliance under Section 188 of WIOA, 29 CFR 38, and the Missouri Nondiscrimination Plan.

OWD's efforts to protect its Title I WIOA funds include¹:

- 1) Establishing and implementing a Nondiscrimination Plan, under 29 CFR 38.54, designed to give a reasonable guarantee of the recipient's compliance with such provisions;
- 2) Entering into a written contract with its recipient that clearly establishes the recipient's obligations regarding nondiscrimination and equal opportunity;
- 3) Acting with due diligence to monitor the recipient's compliance with these provisions; and
- 4) Taking prompt and appropriate corrective action to effect compliance.

Local Workforce Development Boards (LDWB) are responsible for monitoring its recipients (service providers, eligible training providers, on the job training providers, work experience providers, and any other WIOA Title I recipient within their service area) for compliance with Section 188 of WIOA, 39 CFR 38, and the Missouri Nondiscrimination Plan. Recipients must provide an annual monitoring report but may monitor more frequently.

In order to meet the recordkeeping mandate proscribed in 29 CFR 38.53, the OWD EO Unit provides annual monitoring training to Local EO Officers. OWD offers ongoing technical assistance to support and maintain compliance. The OWD EO Unit has developed a [Local Monitoring Tool Guide](#) for Local EO Officers to monitor their recipients for EO compliance. Local EO Officers are responsible for monitoring all recipients, providing a monitoring schedule, a monitoring tool, and a written report of any findings.

Under 29 CFR 38.51(b), all EO monitoring reviews must include:

1. A statistical or other quantifiable analysis of records and data kept by the recipient under 29 CFR 38.41 includes the analyses by race/ethnicity, sex, limited English proficiency (preferred language), age, and disability status².
2. An investigation of any significant differences identified in the analyses of records from participation in the programs, activities, or employment provided by the recipient. A determination of whether the differences appear to be caused by discrimination. The

¹ [29 CFR 38.52](#)

² [29 CFR 38.51\(b\)\(1\)](#)



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investigation must be conducted through review of the recipient's records and any other appropriate means³; and

3. Conduct an assessment to determine whether the recipient has fulfilled its administrative obligations: (for example, assurances, recordkeeping, notice, and communication) and any duties assigned to it under Section 188 of WIOA, 29 CFR 38 and the Missouri Nondiscrimination Plan⁴.

OWD EO Unit Onsite Reviews

OWD's EO office may conduct onsite-monitoring reviews in conjunction with a discrimination complaint investigation⁵. OWD may conduct unscheduled onsite reviews during normal business hours at any WIOA recipient's facilities to monitor or survey:

- records;
- staff awareness of nondiscrimination and EO policies and procedures;
- observe the display of the mandatory posters, e.g., "EO is the Law";
- assess participant and employee data, and
- review and observe accessibility components

The annual onsite EO Monitoring reviews may begin with notification to the appropriate administrator prior to the review. The onsite review includes interviewing customers and staff, assessing the physical and programmatic layout of the facility, ensuring the appropriate EO communications are posted in the facilities for customers and staff, and all other requirements under Section 188 of WIOA, 29 CFR 38 and the Missouri Nondiscrimination Plan.

OWD Corrective Actions and Sanctions

If a recipient's monitoring report determines that it is not complying with Section 188 of WIOA, 29 CFR 38, or Missouri's Nondiscrimination Plan, the OWD EO Officer will inform the OWD Director of any compliance issues.

When a recipient violates an equal opportunity provision, OWD requests the recipient develop and implement a corrective action plan⁶. For minor violations, a corrective action plan may be limited to developing and implementing strategies to ensure compliance. A conciliation agreement is a detailed written assurance negotiated when a more serious violation or deficiency cannot be corrected immediately. The conciliation agreement should be in writing, describe each violation, specify corrective or remedial action, state the time period to correct the violation(s), be sufficient in scope to avoid reoccurrence, should institute periodic reporting on the status, and institute enforcement procedures. If a violation is more severe, OWD will develop and implement a conciliation agreement with the recipient. If the violation(s) is substantial or recurring, OWD may issue a "Notice to Show Cause." An unanswered "Notice to Show Cause" may result in sanctions or termination of the

³ [29 CFR 38.51\(b\)\(2\)](#)

⁴ [29 CFR 38.51\(b\)\(3\)](#)

⁵ [OWD 06-2021 Issuance: WIOA Complaint Resolution Policy](#)

⁶ [29 CFR 38.52\(a\)\(4\)](#)



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recipient's contract and potential debarment of the recipient from receipt of subsequent federal contracts authorized by OWD⁷.

Department of Labor and Industrial Relations Monitoring under Section 188 of WIOA

The Department of Labor and Industrial Relations (DOLIR) follows the guidance provided in the [Unemployment Insurance Program Letter \(UIPL\) 46-89](#). UIPL 46-89 addresses Equal Opportunity (EO) Data Requirements for Unemployment Insurance (UI). DOLIR's Division of Employment Security (DES) produces quarterly reports that contain information disaggregated by race, ethnicity, sex, age, and disability status as described in Section IV of the Missouri Nondiscrimination. DOLIR's EO Officer performs an analysis to determine if any discriminatory impact exists within DOLIR's Unemployment Claims (UC) operations. DOLIR compiles data for its analysis using the United States Department of Labor's Civil Rights Center's formulas and tests, including statistical analysis and the appropriate standard deviation for the data set. The standard deviation provides a measure of whether the group in question has experienced outcomes different from the norm. When the standard deviation is two (2) or more, the report generates asterisks under that group to show that this finding warrants further investigation as determined by the EO Officer.

For more guidance, please refer to Section IV: Data and Information Collection and Maintenance of the Missouri Nondiscrimination Plan.

Supporting Documents

1. [OWD Equal Opportunity Monitoring Analysis Guide/Tool \(Program and Employment Practices\)](#)
2. OWD EO Monitoring Reports by Region
3. [OWD Issuance 07-2021: Nondiscrimination and Equal Opportunity Corrective Action and Sanction Policy](#)
4. DES UI Equal Opportunity Monitoring Policy, Review, and Report
5. [Unemployment Insurance Program Letter \(UIPL\) 46-89](#)

⁷ [OWD Issuance 07-2021: Nondiscrimination and Equal Opportunity Corrective Action and Sanction Policy](#)



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Additional Elements: Governor's Obligations To Develop and Implement a Nondiscrimination Plan

This Section of the Missouri Nondiscrimination Plan demonstrates the Missouri Department of Higher Education and Workforce Development, Office of Workforce Development (DHEWD/OWD) and the Department of Labor and Industrial, Relations, Division of Employment Security's (DOLIR/DES) compliance with Section 188 of WIOA, and 29 CFR 38.54. 29 CFR 38.54(c)(2) requires the Nondiscrimination plan to describe eight (8) different elements:

1. A system for determining whether a grant applicant, if financially assisted, and/or a training provider, if selected as eligible under Section 122 of WIOA, is likely to conduct its WIOA Title I-financially assisted programs or activities in a nondiscriminatory way and to comply with the regulations in 29 CFR Part 38;
2. A review of recipient policy issuances to ensure they are nondiscriminatory;
3. A system for reviewing recipients' job training plans, contracts, assurances, and other similar agreements to ensure that they are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity;
4. Procedures for ensuring that recipients comply with the nondiscrimination and equal opportunity requirements of 29 CFR 38.5 regarding race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, political affiliation or belief, citizenship, or participation in any WIOA Title I-financially assisted program or activity;
5. Procedures for ensuring that recipients comply with the requirements of applicable Federal disability nondiscrimination law, including Section 504; Title II of the Americans with Disabilities Act of 1990, as amended, if applicable; WIOA Section 188, and this part with regard to individuals with disabilities;
6. A system of policy communication and training to ensure that EO Officers and members of the recipients' staffs who have been assigned responsibilities under the nondiscrimination and equal opportunity provisions of WIOA or this part are aware of and can effectively carry out these responsibilities;
7. Procedures for obtaining prompt corrective action or, as necessary, applying sanctions when non-compliance is found; and
8. Supporting documentation to show that the commitments made in the Nondiscrimination Plan have been and/or are being carried out. This supporting documentation includes, but is not limited to:
 - (A) Policy and procedural issuances concerning required elements of the Nondiscrimination Plan;
 - (B) Copies of monitoring instruments and instructions;
 - (C) Evidence of the extent to which nondiscrimination and equal opportunity policies have been developed and communicated as required by this part;
 - (D) Information reflecting the extent to which equal opportunity training, including training called for by 29 CFR 38.29(f) and 38.31(f), is planned and/or has been carried out;
 - (E) Reports of monitoring reviews and reports of follow-up actions taken under those reviews where violations have been found, including, where appropriate, sanctions; and
 - (F) Copies of any notices made under 29 CFR 38.34 through 38.40.



Element I: A System for Determining Grant Applicants and/or Training Providers Comply with Relevant Federal Law and Missouri's Nondiscrimination Plan

Purpose: A system for determining whether a grant applicant, if financially assisted, and/or a training provider, if selected as eligible under Section 122 of WIOA, is likely to conduct its WIOA Title I-financially assisted programs or activities in a nondiscriminatory way and to comply with the regulations with 29 CFR 38.

OWD

The system implemented by OWD to comply with 29 CFR 38.54(c)(2)(i) is as follows: all potential grant applicants, including eligible training providers seeking eligibility for On-the-Job Trainers(OJT)/Work Experience, must provide programmatic and architectural accessibility for individuals with disabilities by demonstrating compliance with 29 CFR 31, Title VI of the Civil Rights Act of 1964, as amended (Title VI), and with subparts A, D, and E of 29 CFR 32, Section 504 of the Rehabilitation Act of 1973, as amended (Section 504), 29 CFR 32, subparts B and C and appendix A, which implement the requirements of Section 504 pertaining to employment practices and employment-related training, program accessibility, and reasonable accommodation.

29 CFR 38.25, OWD requires written assurances in each grant, cooperative agreement, contract, or other arrangements whereby federal financial assistance under Title I of WIOA is made available. OWD and the Local Workforce Development Boards (LWDBs) monitor the recipient's contracts, grants, and/or other arrangements annually for compliance. Section I: Assurances of the Nondiscrimination Plan contains specific guidelines.

DOLIR

The United States Department of Labor (DOL) also provides financial assistance to DOLIR. Therefore, DOLIR must follow DOL's equal opportunity laws. All DOLIR employees are responsible for providing services without regard for race, color, national origin, gender, age, religion, or disability. The equal opportunity and non-discrimination laws (along with their implementing regulations) that apply to some or all agencies of DOLIR are Section 188 of WIOA; 29 CFR part 38; Titles VI and VII of the Civil Rights Act of 1964; The Rehabilitation Act of 1973; The Age Discrimination Act of 1975; The Equal Pay Act of 1963; 7. The Age Discrimination in Employment Act of 1967; and The Americans with Disabilities Act of 1990.

[DOLIR Policy B07-22000](#) informs employees of their obligations under equal opportunity and non-discrimination laws. Pursuant to [MODOL-3704](#), "The Workforce Diversity Plan will be implemented to include assessment of major personnel processes to ensure that there is no discrimination in recruitment, selection, appointment, placement, promotion, training, benefits, employee relations (including grievances), separations, or any other personnel actions." Pursuant to [WIOA and Unemployment Insurance Program Letter \(UIPL\) 11-14](#), the Department's EO Officer 1) collects and analyzes UI claimant demographic data for possible indications of systemic discrimination, and 2) investigates any such indications of potential discrimination that the analyses disclose.

For more information, see the following exhibits under the Assurance section:

- [DOLIR Policy B07-22000](#)
- [MODOL-3704, DOLIR Equal Employment Opportunity Policy Statement](#)



Element II: Ensuring Recipient Policies/Issuances are Nondiscriminatory

Purpose: Develop and implement a procedure to review recipients' policy/issuances to ensure they are nondiscriminatory.

OWD

OWD and the LWDBs must annually monitor its recipients' policies and issuances for nondiscrimination compliance. Acceptable monitoring practices include, but are not limited to:

- Reviewing the recipient's records;
- A review of the recipient's policies/issuances to ensure that they are nondiscriminatory;
- A review of the recipient's job training plans, contracts, assurances, and other similar agreements

Additional specific guidance is located in Section VII.

DOLIR

DOLIR affirms its commitment to complying with all federal and state equal opportunity laws, including WIOA. The Department's Workforce Diversity Policy Statement, [MODOL-4428](#), illustrates its commitment to compliance. For further guidance, please refer to Section VII.

Element III: Reviewing Recipients' Contracts, Assurances, and Other Agreements

Purpose: Develop and implement policies and procedures for reviewing recipients' job training plans, contracts, assurances, and other agreements to ensure the job training plans, contracts, assurances, and other agreements are nondiscriminatory and contain the WIOA required language regarding nondiscrimination and equal opportunity.

OWD

OWD requires its LWDBs and recipients agree in writing that the LDWB's and recipients will include mandatory assurance language required by 29 CFR 38.25 in its contracts. Using mandatory assurance language ensures each recipient will provide programmatic and architectural accessibility to persons with disabilities. For further guidance, please refer to Section I: Assurances and Section VII.

DOLIR

DOLIR's affirms its commitment to compliance via Workforce Diversity Policy Statement, [MODOL-4428](#). For further guidance, please refer to Section VII.

Element IV: Ensuring Recipient Nondiscrimination and Equal Opportunity Compliance with Section 188 of WIOA

Purpose: Develop and implement procedures for ensuring that recipients comply with the nondiscrimination and equal opportunity requirements of 29 CFR 38.5 regarding race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, political affiliation or belief, citizenship, or participation in any WIOA Title I-financially assisted program or activity;



OWD

All WIOA recipients are required to use the EO Notice in its entirety – without any editing or changes in the language. OWD requires each recipient to develop and provide initial and continuing EO Notices stating that recipients do not discriminate on any prohibited ground. The recipient's EO Notice must notify customers that they have a right to file a discrimination complaint and the procedure to do so. The EO Notice shall be available in paper and electronic versions. The customers must receive, understand, and sign the EO Notice. A copy of the signed EO Notice shall be included in the customer's file, either paper or electronically. The recipient must also effectively communicate the “Equal Opportunity Is the Law” notice to individuals with disabilities and limited English proficiency (LEP).

OWD monitors its recipients annually to ensure EO Orientations are provided to any recipient and any interested parties on Section 188 of WIOA. Each EO Orientation must include:

- Individuals' rights under the nondiscrimination and equal opportunity provisions of WIOA, and
- Individuals' right to file a complaint of discrimination.

“Equal Opportunity Is the Law” posters must display prominently throughout the recipient's facilities and online materials. The visual “Equal Opportunity is the Law” poster is an additional mechanism for the recipient to raise awareness of the recipient's obligation to operate in a nondiscriminatory manner. For further guidance, please refer to Section III and Section VI.

DOLIR

DOLIR posts the “Equal Opportunity is the Law” poster prominently in its buildings and on its web page.

DOLIR's internal intranet features a New Employee Orientation, including a self-guided tutorial reminding staff of their duty and responsibility to create and maintain an environment free of discrimination. A part of that tutorial, “Must Read Policies,” links the Department's Code of Conduct, Equal Employment Opportunity policy, grievance policy, policies governing workforce diversity and harassment, and the “Equal Opportunity is the Law” poster. Specifically, [DOLIR Policy B07-22000](#), Equal Employment Opportunity, instructs employees of their duties for an agency that receives financial assistance from the USDOL. This policy also outlines the discrimination complaint process for UI applicants and clients.

For further guidance, please refer to the exhibits listed in the Notice and Communication section.

Element V: Compliance with Federal Disability Nondiscrimination Laws

Purpose: Develop and implement policies to ensure compliance with Section 504 of the Rehabilitation Act of 1973 [29 CFR 38.12 – 38.18 and 29 CFR 32, subparts B and C and appendix A] with Title I WIOA recipients.

OWD

Accommodation policies, stringent monitoring, and assistive technologies ensure that all recipients comply with federal disability nondiscrimination laws. Contractual assurances and quarterly monitoring reviews (programmatic and architectural) by the EO Office ensure recipient compliance. Prior to these reviews, the State EO Officer encourages recipients to complete an [Americans with Disabilities Act \(ADA\) self-assessment-survey](#) and submit this document as a part of their monitoring report.



Reasonable Accommodation

OWD has an internal [DWD 33-2017 Issuance: Harassment, Discrimination, and Retaliation; and Accommodations Policy](#). The internal Accommodations Policy explains how the Department ensures that all job applicants and employees with disabilities know how to request an accommodation or appeal the denial of a reasonable accommodation request. Recipients are responsible for ensuring accommodations for employees, customers, and sub-recipients based on [DWD 12-2017 Issuance: Minimum Standards for Assistive Technologies in Missouri Job Centers](#). The State EO Officer provides training on accommodating customers, staff, and the public. [OWD Issuance 12-2017](#) provides guidance on disability accommodations and assistive technology for Missouri's workforce system. OWD has other information and resources on the [OWD Main Website](#) to assist local service areas with accommodating customers.

Physical and Programmatic Accessibility Requirements

OWD and its recipients are responsible for ensuring accessible physical and virtual communication, in addition to programmatic accessibility to participants, employees, and the public. OWD monitors recipients for customer access to services, activities, and programs. OWD recommends recipients to utilize the [ADA Assessment Tool](#) to ensure physical accessibility for all facilities.

Job Qualifications

OWD adopted the Uniform Guidelines on Employee Selection Procedures, 41 CFR 60-3¹ into its EO Monitoring reviews. OWD uses this guideline to monitor recipients ability to achieve equal opportunity without discrimination on the grounds prohibited under Section 188 of WIOA and 29 CFR 38. OWD and recipients must implement Section 504 of the Rehabilitation Act, according to 29 CFR 38.18(2)(d). OWD and its recipients must include 29 CFR 1630 and 29 CFR 35 into its employment practices according to 29 CFR 38.18(2)(e), and Section 503 of the Rehabilitation Act of 1973 (29 U.S.C. 793).

Pre-Employment Inquiries

The only pre-employment question OWD asks all applicants of their ability to perform job-related functions with reasonable accommodation. Recipients are responsible for ensuring it and its sub-recipients do not make pre-employment medical or disability inquiries prohibited by law.

Confidentiality of Medical Information

All medical information provided to OWD is confidential in accordance with [OWD 02-2021 Issuance: Statewide Case Note Policy](#). Compliance with this policy is required of all OWD, recipients, and subcontractor staff.

Integrated Settings and Communication

OWD provides assistive technology in the Job Centers and resources for staff to help ensure equal and effective communications and access to programs and services. Recipients are responsible for ensuring the assistive technology equipment is integrated into job centers. The assistive technology available in Missouri's Job Centers includes but is not limited to the following: Sprint IP Relay service, large screen monitors, assistive listening device screen enlarger software, alternative keyboards, height-adjustable tables, and access to other devices/equipment made available through the [Missouri Assistive Technology](#) program. American Sign Language interpreting services are available when requested by customers. Information on obtaining

¹ [29 CFR 38.18](#)



other assistive technology or services is available to all staff on the [OWD Main Website](#) under the Equal Opportunity and Disability Services section. For more guidance on federal disability requirements, please refer to Section I.

DOLIR

DOLIR follows strict compliance with Section 504 of the Rehabilitation Act, which prohibits disability-based discrimination and ensures program and site access to individuals with disabilities consistent with Sub-Parts B and C of 29 CFR 32.29 and 29 CFR prt 38.54(d)(2)(v) and 29 CFR 38.7, 38.8 and 38.9. DOLIR advises all employees of their rights and obligations under the Americans with Disabilities Act (ADA), as amended. In addition to disability-based nondiscrimination policies, DOLIR ensures program and site access to all individuals with disabilities.

DOLIR maintains an anti-discrimination plan for its employees. All new employees are required to attend a comprehensive orientation session emphasizing the agency's commitment to prevent disability-based discrimination and provide reasonable accommodations both in employment and in delivering programs and services. The Equal Opportunity Officer or a designee from human resources presents all related information. Participants receive a full opportunity to ask questions.

DOLIR promotes employment opportunities for individuals with disabilities and regularly encourages employers to consider qualified individuals with disabilities to fill job openings. The Department is responsible for serving disabled applicants and accommodating employees with disabilities to ensure compliance with the reasonable accommodation provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act, as amended. Both Section 504 and the ADA mandate that recipients of federal financial assistance provide equal employment opportunities to qualified disabled individuals and make reasonable accommodation for known physical or mental limitations of otherwise qualified disabled individuals unless the accommodation would impose an undue hardship.

[DOLIR Policy B07-22200](#) provides both current employees and applicants with a procedure to request reasonable accommodation(s). This policy aligns with both the Americans with Disabilities Act and the Missouri Human Rights Act. [DOLIR Policy B07-22200](#), Equal Employment Opportunity, affirms the Department's commitment to equal opportunity and its duties pursuant to the ADA, the Rehabilitation Act of 1973, and other civil rights laws. DOLIR maintains an intranet with access to department forms and policies.

Auxiliary aids and services are available upon request to individuals with disabilities. Such auxiliary aids include, but are not limited to: sign language interpreters, readers, audio texts, large print, TTY telephone assistance, and other methods of communication. Such aids and devices are also available as reasonable accommodations for employees to ensure effective communication regarding common job-related issues, i.e., training, meetings, and interviews.

DOLIR does not ask applicants pre-employment medical or disability questions.

DOLIR complies with the Health Insurance Portability and Accountability Act (HIPAA), including its confidentiality provisions with regard to employees. The EO Officer collaborates with DOLIR Personnel Analysts to consult regarding reasonable accommodations. Determinations are made by the appropriate management personnel on a case-by-case basis. In most cases, medical documentation is required to support each requested accommodation. These medical documents are secure in locked cabinets in the Human Resource Section and kept separate from other personnel files. Only designated staff have access to these files.



Element VI: Training for Compliance under WIOA Section 188

Purpose: Develop and implement a system of communication and training to ensure EO Officers and members of recipients' staff assigned responsibilities under the nondiscrimination and equal opportunity provisions of WIOA are aware of and can effectively carry out the responsibilities under Section 188 of WIOA, 29 CFR 38 and the Missouri Nondiscrimination Plan.

OWD

OWD annually monitors EO related training for Local EO Officers and staff. The State or Local EO Officer or outside sources such as the CRC, LEAD Center, the Great Plains ADA Center, PROMO Missouri, Missouri Commission on Human Rights, and the EEOC may also present EO training. For more guidance on compliance training, please refer to Section II.

DOLIR

DOLIR annually monitors EO-related training that it's EO Officer 1) receives from the State EO Officer and/ or outside sources, such as the CRC, and 2) schedules and provides, both alone and in collaboration with other Department Human Resource staff.

Element VII: Corrective Action and Sanctions

Purpose: Develop and implement procedures for obtaining prompt corrective action or, as necessary, applying sanctions when non-compliance is found.

OWD

OWD enforces corrective actions and sanctions when any WIOA recipient does not comply with Section 188 of WIOA, 29 CFR 38, and the Missouri Nondiscrimination Plan. These standards apply to any recipient of WIOA Title I financial assistance, either directly through OWD or through another entity.

Corrective Actions and Sanctions

OWD annually conducts statistical/quantifiable analysis and/or policy and procedure compliance reviews, whenever a monitoring/compliance review report, complaint determination, or any other information that indicates a possible failure to comply with Section 188 of WIOA, 29 CFR 38, and the Missouri Nondiscrimination Plan, or any other nondiscrimination and equal opportunity policies and procedures. If the EO monitoring process uncovers non-compliance in investigating a discrimination complaint or another, OWD will make every effort to provide technical assistance to the service area to correct the violation.

When a monitoring/compliance review cannot provide complete corrective action (e.g., developing a preliminary plan to address an accessibility issue such as wheelchair accessibility), corrective action incorporates into the EO monitoring report. The recipient has thirty (30) days from receipt of the completed report to respond to the findings and correct any violations identified in the EO monitoring report. OWD may grant extensions to respond for good cause. The OWD EO Unit must follow up with the recipient to ensure the necessary changes are operational. When EO violations are severe or recurring, OWD issues a conciliation agreement to correct the severe or recurring violation(s). The EO Officer uses Conciliation Agreements when violations are more serious or a violation(s) that will take time to correct. Corrective action may also include "make-whole" provisions such as retroactive relief (e.g., back wages or benefits) and prospective relief (e.g., change of policy). The conciliation agreement ensures the recipient's commitment to voluntary compliance with Section 188 of WIOA, 29 CFR 38, and the Missouri Nondiscrimination Plan.



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If discrimination complaint investigation uncovers non-compliance, the non-compliance violation is included in the “Findings of Facts” section in the EO Officers Notice of Final Action. A failure to implement remedies set forth in a Notice of Final Action will result in OWD issuing a Notice to Show Cause. A Notice to Show Cause is notice sent to a recipient that failed to comply with Section 188 of WIOA, 29 CFR 38 and the Missouri Nondiscrimination Plan.

A partial response or lack of response to the Notice to Show Cause may be elevated to the Governor of Missouri for a determination on appropriate sanctions. Sanctions may include but are not limited to reparation for discriminatory practices, the establishment of policy issuance, removal of participants from sites refusing to implement corrective actions, and legal action.

Corrective Action Procedures must include:

1. Actions to end and/or address the violation;
2. Make-whole relief, including, as appropriate, back pay (which must not accrue from a date more than two (2) years before the filing of the complaint or the initiation of a compliance review) or other monetary* relief; hire or reinstatement; retroactive seniority; promotion; benefits or other services discriminatorily denied; and
3. Any other remedial or affirmative relief as the WIOA State Equal Opportunity Officer deems necessary and appropriate, including but not limited to outreach, recruitment, and training designed to ensure equal opportunity.

***Monetary relief may not be paid from Federal funds.**

OWD Compliance Reviews

As appropriate and necessary to ensure compliance with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA, 29 CFR 38, and the Missouri Nondiscrimination Plan, OWD may review any application or class of applications for Federal/State financial assistance under Title I of WIOA, before and/or as a condition of their approval. The basis for such review may be the assurance specified in 29 CFR 38.25, information and reports submitted by the recipient/grant applicant under Section 188 of WIOA, the Missouri Nondiscrimination Plan, or guidance published by the State Equal Opportunity Officer, and any relevant records on file with OWD.

When awarding financial assistance under WIOA or any state funding, LWDBs must consult with the State WIOA Equal Opportunity Officer to ensure that the potential recipient does not have a record of non-compliance, including violations under 29 CFR 38.66(b) or an adverse Notice of Final Determination.

OWD and the LWDBs will consider the information provided in the Notice to Show Cause or a Final Determination, along with any other OWD provided information to determine grant recipients. If the LWDB awards a grant to a recipient with a history of non-compliance, then the terms of the award will include specific compliance requirements. Such compliance requirements shall remain until the State EO Office determines the recipient demonstrates consistent compliance with Section 188 of WIOA, 29 CFR 38 and the Missouri Nondiscrimination Plan.

When the State EO Officer determines that the grant applicant is not likely to comply with the nondiscrimination and equal opportunity requirements of Section 188 of WIOA, 29 CFR 38 and the Missouri Nondiscrimination Plan, OWD must:

1. Timely notify the Department's General Counsel to alert the Missouri Attorney General's Office of the findings; and



2. Issue a Letter of Findings; the Letter of Findings must advise the grant applicant, in writing, of:
 - a. The preliminary findings of the review;
 - b. The proposed remedial or corrective action and the time within which the remedial or corrective action should be completed;
 - c. Whether it will be necessary for the recipient(s) to enter into a written Conciliation Agreement
 - d. The opportunity to engage in voluntary compliance negotiations.

If a recipient agrees to certain remedial or corrective actions to maintain funding, OWD must ensure that the recipient takes remedial or corrective actions or that a Conciliation Agreement is in effect before further approving a financial award. If a recipient refuses or fails to take remedial or corrective actions or to enter into a Conciliation Agreement, OWD must refer the matter to the Missouri Attorney General with a recommendation that the Attorney General's Office take appropriate legal action.

Definitions:

Violation is a failure to comply with Section 188 of WIOA, 29 CFR 38 and the Missouri Nondiscrimination Plan. A violation may range in seriousness from an infraction, or a technical violation, to a more significant discrimination violation.

Technical violations include a failure to include the required language in assurance or failure to include the tag lines in a communication.

Discrimination violations include findings of disparate treatment, disparate impact, and failure to provide reasonable accommodations.

Make-whole relief for back pay is “making the person whole” or bringing the person to the condition they would be in if the discrimination had not occurred. Such relief might involve back pay, front pay, retroactive benefits, training, or any service discriminatorily denied. - The victim(s) is entitled to be made whole for any loss of earnings suffered because of a discriminatory practice. The amount of money received should be equal to what they would have earned (plus compound interest) had the discrimination not occurred. In Make-whole relief for discrimination involving a failure to place an individual in a training program, the victim is entitled to an immediate and unconditional offer of placement into the training program that he or she would have been placed in had it not been for the discrimination.

Prospective Relief is curative and preventive steps *voluntarily* taken to ensure that a violation does not reoccur in the future. An example of a corrective action plan for failing to include tag lines in communication would be documentation that included:

1. An explanation that the communication was reissued with the tag lines added.
2. The timeframe for reissuing the communication if it has not yet been reissued.
3. An example of prospective relief planned to ensure that all future notices will also include the required language is as follows:
 - a. Changing the policy, practice, or procedure that allowed for the violation.
 - b. Developing a new policy communicating the policy change.
 - c. Educating those responsible for implementing the revised procedures.

Conciliation Agreements are utilized in the case of a more serious violation or deficiency that cannot be corrected immediately. The agreement must be in writing identifying the violation(s) that must be corrected. The Conciliation agreement must:

1. Be in writing
2. Describe each violation



3. Specify the corrective or remedial action needed to come into compliance
4. State the time period in which the corrective or remedial action must be completed
5. Be sufficient in scope to ensure the violation(s) will not recur
6. Institute periodic reporting by the recipient on the status of the corrective and remedial action
7. Institute enforcement procedures to be applied if the agreement is breached

Notice to Show Cause – When a recipient fails to comply with the requirements of Section 188 of WIOA, 29 CFR 38 and the Missouri Nondiscrimination Plan, or when a determination is made with a discrimination complaint, monitoring review, or compliance review, a Notice to Show Cause will be issued. OWD will issue a Notice to Show Cause before initiating the sanction or termination of contract proceedings.

Sanctions - When all attempts to provide assistance to effect voluntary correction of a violation(s) fails, or it is apparent that the recipient fails or refuses to correct the violation within the timeframe established, OWD may impose sanctions. Sanctions are the judicial enforcement actions taken, including suspending, terminating, or denying funding, when appropriate corrective actions are not taken to comply with WIOA regulations. Sanction procedures should include:

1. List the measures taken to achieve voluntary compliance through the point when sanctions are imposed.
2. Explain that the severity of the non-compliance to determine the sanctions imposed.
3. Provide a table or listing of the potential sanctions that may be imposed.
4. Detail the notification process, including the respondent's rights, time frames involved, and provisions for a hearing.
5. Identify the individual(s) who have responsibility for carrying out the various steps in the sanctions process and the role of the State EO Officer and Local EO Officer in the process.

For further guidance on corrective actions and sanctions, please refer to Section I.

DOLIR

All State corrective action and sanctions are handled through the OWD system, including DOLIR. Pursuant to Executive Orders [99-03](#) and [03-04](#), and in accordance with related interagency agreements, the authority for the statewide administration of WIOA Title I transferred from the Missouri Department of Labor (Division of Employment Security) to the Missouri Department of Higher Education and Workforce Development (DHWED/OWD), July 1, 1999. Therefore, DOLIR is no longer administering WIOA Title I in Missouri. With regard to its other programs in operation, DOLIR is in full compliance with the requirements of 29 CFR 38.54 (d) (2)(vii).

DOLIR established procedures pursuant to [Policy B07-22000](#) and [B07-22100](#), the agency's anti-discrimination policy, and internal grievance procedure. Through these policies, employees and claimants may obtain prompt corrective action pursuant to WIOA and other applicable law. Contractors may also be held accountable for violations of various federal nondiscrimination laws.

Division of Employment Security (DES) administers various monitoring programs and reports through its Director and Deputy Director. Administration through the DES Director and Deputy Director ensure timely evaluations of disputes at the highest level. The EO Officer is responsible for conducting EO compliance reviews and investigating complaints of alleged discrimination, and for issuing notices of violation when warranted.



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Discrimination violations may include but are not limited to disparate treatment findings and failure to provide reasonable accommodation. All of the required components are included in these procedures, including specific timeframes for completing corrective actions and the individual responsible for follow-up action. Corrective action means any action designed to eliminate a violation. Corrective actions vary in accordance with the severity of the violation. Section 7 and 8 of the Missouri Nondiscrimination Plan outline DOLIR's Compliance/Monitoring plan.

Violations identified through requested compliance reviews will incur corrective actions. Corrective and/or remedial action may take place whenever a complaint is substantiated by the EO Equal Opportunity compliance review or investigation.

Identified deficiencies are forwarded to DOLIR's Office of General Counsel, DES Director, and/or Department Director for further action in accordance with DOLIR administrative disciplinary policies. In instances where corrective action plans are submitted, on-site follow-up will occur to assess the adequacy of the corrective action plan as outlined in DOLIR's Equal Opportunity/Nondiscrimination Monitoring Policy and Review Report.

Element VIII: Supporting Documents for the Nondiscrimination Plan

Purpose: Develop and implement policies/issuances to provide supporting documentation to show that the commitments made in the Nondiscrimination Plan have been and/or are being carried out.

The Missouri Nondiscrimination Plan supporting documentation that shows the commitments made with implementing and enforcing the requirements under Section 188 of WIOA are found under each section in this plan. The supporting documentation includes, but is not limited to: policies and procedural issuances; copies of monitoring instruments and guidance/instructions; evidence of the extent to which nondiscrimination and equal opportunity policies have been developed and communicated as required by this part; information reflecting the extent to which equal opportunity training, including training called for by 29 CFR 38.29(f) and 38.31(f), is planned and/or has been carried out; reports of monitoring reviews and reports of follow-up actions taken under those reviews where violations have been found, including, where appropriate, sanctions; and copies of any notices made under 29 CFR 38.34 through 38.40.

Supporting Documents

Element V: Compliance with Federal Disability Nondiscrimination Laws

1. [ADA Self-Assessment Survey and Planning Tool](#)
2. [OWD Issuance 02-2021: Statewide Case Note Policy](#)
3. [OWD Issuance 19-2019: Statewide Confidentiality and Information Security Plan Policy](#)
4. [DWD 12-2017 Minimum Standards for Assistive Technologies in Missouri Job Centers](#)
5. [OWD Equal Opportunity Training](#)
6. [Prohibited Discrimination Fact Sheets](#)
7. [DWD Issuance 33-2017: Harassment and Discrimination Policy and Accommodation Policy](#)
8. [B07-28500, Code of Conduct – DOLIR](#)
9. [B207-22000, Equal Employment Opportunity - DOLIR](#)
10. [B07-22220, Reasonable Accommodation for Disabilities - DOLIR](#)



Element VII: Corrective Actions and Sanctions

1. [OWD Issuance 07-2021: Nondiscrimination and Equal Opportunity Corrective Action and Sanction Policy](#)
2. OWD EO Monitoring Reports (See Section VII: Governor's Oversight Responsibilities Regarding Recipients' Recordkeeping 29 CFR 38.51-53)
3. [DOLIR Grievance Policy](#)